

DESCRIPTION OF POST-INTRODUCTORY PROGRAM

The purposes of the first-year program are:

1) to provide a closely supervised exposure to the everyday work of lawyers -- its various contexts, objectives, methods, and difficulties;

2) to develop minimal competence in traditional and modern methods of legal problem analysis, in certain forms of oral and written communication, and in dealing with people.

3) to instill the habit of approaching legal problems with full reference to the context in which they arise;

4) to develop an ability to utilize and evaluate the output of other sciences and disciplines;

5) to develop a working knowledge of the verbal content and operational significance of several important areas of law; and,

6) by virtue of all the above, to prepare students for their second and third years at law school.

Individual course and seminar descriptions follow.

YEAR-LONG SEMINAR AND COURSES

Clinical Project/Legal Method Seminar 2 credit-hours per semester

Cohen, Gordon, Hopkins, Kiang, Miller

This seminar will provide closely supervised exposure to the everyday work of lawyers. It will also serve as the primary vehicle for synthesis and application of knowledge acquired in other courses, for skills development, and for psychological support. With respect to skills, each seminar instructor will seek--among other things--to ensure that every student in his group quickly learns how to analyze statutes and judicial opinions. Each seminar group will consist of about 12 students, one faculty member, and a local attorney. Each group will undertake, hypothetically if not actually, to advise a different disputant in one or more current disputes. These might include, for example, a dispute involving land use and development, a criminal prosecution, or a contractual dispute concerning money owed on the purchase of an automobile. Each group will try to arrange meetings with its (hypothetical or actual) clients, technical experts, government officials, and others. It will plan and conduct library and field research. It will draft court

papers, briefs, agreements, legislation, etc., as appropriate.

Methods of Effective Legal Research

Dupont

This area of instruction will be integrated into the work of the Clinical Project/Legal Method seminars. The objective will be to explore methods of exploiting the full range of legal and related literature. Emphasis will be placed on legal research as an aid in the solution of particular legal questions and also as a means of long-run self-education. Bibliographic facts and techniques will be introduced in a sequence calculated both to illustrate the immediate subject matter and to develop an overview of the materials available. The initial effort will be to familiarize students with the sources and bibliographic tools which provide access to legislative, administrative, and judicial primary decisional output. Subsequent problems and exercises will involve the more esoteric auxiliary aids as well as commercially available tools developed by legal publishers in various fields to facilitate and expedite research.

Social Decision-Making

3 credit hours per semester

Miller, Hood, Hopkins

This course will deal with the perennial constitutive issues of human social life: who should decide what questions, according to what procedures, utilizing what resources, provided by whom, with what effects, on whom? The objective will be to develop an ability to understand, influence, and improve the workings of the many decision-making institutions -- "private" as well as "public" -- which lawyers encounter in their daily work. A wide range of such institutions will be surveyed at long range, and some will be selected for intensive study. Each instance of intensive study will involve, among other things, identifying the persons and modes associated with the performance of various decision-making functions: informing, recommending, prescribing, invoking, applying, appraising, and terminating. Considerable effort will be made to enrich the analysis with relevant material from fields such as decision theory, communications theory, social psychology, and systems analysis.

The first semester portion of the course, entitled Judicial Decision-Making, will focus on the organization, staffing, jurisdiction, and procedures of courts and "quasi-judicial" bodies such as administrative agencies and arbitration panels. Subtypes within each category will be differentiated -- for example, trial

and appellate, civil and criminal, state and federal, national and international courts. Students will be expected to develop a working, practical knowledge of the Hawaii and Federal Rules of Civil (court) Procedure.

The second semester portion of the course, entitled Non-Judicial Decision-Making, will treat constitutional and legislative decision-making institutions (local, national, and international). It will also examine decision-making in private organizations such as political parties, universities, business corporations, labor unions, and community associations. Among other things, students will be expected to become familiar with federal constitutional law regarding judicial review and the separation of powers.

Student Workshop

1 credit-hour per semester

This workshop is intended to provide an opportunity for students to program part of their learning process and, in so doing, to experience and learn about problems of group decision-making. Students may choose to expose and examine law-related issues by a variety of devices including discussion and debate, audio-visual materials, or field experience -- to mention but a few possibilities. They may or may not choose to utilize the services of law school faculty or other persons inside or outside the University. Minimal requirements for the award of academic credit will be determined by students, subject to faculty review.

Legal Education and the Profession 1 credit-hour per semester

Hood

This course is intended to stimulate systematic reading, reflection, and debate concerning the following questions:

1. What will lawyers be doing ten or twenty years from now, in what contexts, subject to what constraints, for what compensation, provided by whom?
2. What personal characteristics, intellectual equipment, and ethical norms will they need?
3. What are and what should be the objectives and methods of law students, faculty, and lawyers today?

The premise of the course is that law students, faculty and lawyers should regularly examine and evaluate what they do. All faculty and students will participate, along with appropriate persons from outside the law school.

FALL SEMESTER COURSES

Regulation of Economic Activity: Real Property 4 credit hours

Gordon

An introduction to the law of real property. The course will focus on three fundamental topics: first, the nature and formation of interests in land; second, the landlord and tenant relationship; third, the regulation of land resource use by private and public ordering. An historical perspective will be developed through the use of material relating to the history of English and Hawaiian land law. Students will be expected to take away from the course the basic information, perceptions, and analytic abilities necessary to deal with current problems in the allocation and use of land and in the development of an approach to the regulation of resources associated with land -- such as water and air -- including pollution control. Each student should have available on a daily basis the book, Land Ownership and Use, by Curtis J. Berger. Access will be provided via library reserve to materials developed by the Hawaiian Legislative Reference Service concerning real property and also to various texts and treatises. Some reference will also be made to materials utilized during the introductory block.

Modern Methodology

3 credit hours

Hopkins

This course is intended to serve as an introduction to some fundamental concepts, principles, and techniques of contemporary scientific method. Topics to be explored include hypothesis formulation or model building, mathematical reasoning, empirical test design, data collection, sampling, statistical inference, measures of association, and computer science. Considerable attention will be given to the practical difficulties and epistemological quandries of empirical enquiry. The courses will also explore the significance of semantics and symbolic logic for lawyers. Topics here will include the nature of legal "rules", legal "fictions", and "normative ambiguity". The ultimate concern throughout will be the possibility of applying knowledge from these areas in the business of lawyering -- for example, in the prediction of court decisions and the presentation of evidence to a jury or legislative committee. In particular, an effort will be made to deal with methodological problems that arise in the Clinical Project/Legal Method seminars.

SPRING SEMESTER COURSES

The Criminal Process4 credit hours

Cohen

An exploration, using actual or simulated problems, of the manner in which society determines what conduct will be treated as "deviant" or "criminal", the processes by which it attempts to discourage such conduct, and the effects of both on various groups of people. Particular attention will be given to conduct involving interpersonal violence, crimes against property, victimless crimes and -- at least by way of comparison -- international violence. Students will be expected to develop a working, practical knowledge of Hawaii's criminal justice system.

Regulation of Economic Activity: Contracts3 credit hours

Kiang

This course will focus on government intervention in "contractual" disputes -- those in which someone seeks to transfer the economic costs of unrealized expectations to another party whose "promissory" behavior helped to create such expectations. This will involve a study of how "legally binding" contracts are created and enforced, and also an examination of the broader political-economic contexts or "market places" wherein contracts are made. An important goal of the course will be to provide a solid grounding in the basic general principles of American contract law. In addition, some attention will be given to the law governing particular types or contracts such as agreements for the sale of goods, construction contracts, and business franchise agreements. In order to develop a comparative perspective, some reference will be made to foreign and international contract law.