

# Law (for Non-Law School Students) (LW)

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## **LW 6120. Law and Strategy. (3 Hours)**

Introduces students to the implications and impact of law on strategy, with attention to applying legal knowledge and resources to strategic planning and strategy implementation. Uses several examples of readily understood strategies to provide opportunities for students to identify the legal environment, consider the legal rights and requirements implicated by relevant law or regulation (e.g., intellectual property, contracts, administrative law) and their potential impact on management, incorporating law as a resource on the resource based view of the firm. Range of examples include considering law and strategy implementation in multiple contexts. Focuses on developing an appreciation of the legal environment and making effective use of legal resources and lawyers as advisors in strategic management aimed at attaining sustainable competitive advantage over rivals.

**Prerequisite(s):** LW 6400 with a minimum grade of C-

## **LW 6130. Negotiation and Advocacy. (3 Hours)**

Offers students an opportunity to learn core elements of negotiations that are the precursors to any final agreement or resolutions of informal disputes: negotiation planning from opposing sides and counseling; analysis of the bargaining range and opponent's needs; principled concession patterns; problem-solving strategies to avoid deadlock; information bargaining and authority clarification; principles of drafting; settlement; and ethics.

## **LW 6140. Data Regulation and Compliance. (3 Hours)**

Covers the challenges facing organizations in building programs that ensure adherence with legal obligations, especially regarding data. Institutions increasingly face a host of regulatory compliance issues. Explores statutes covering a broad range of areas, especially when it involves data protection and privacy.

**Prerequisite(s):** LW 6400 with a minimum grade of C

## **LW 6150. Law and Organizational Management. (3 Hours)**

Students will learn the rules governing organizations, including corporations, partnerships, governmental organizations, and non-profits. The focus will include relationships within the organizations and powers of members of organizations. In addition, the course will cover employment issues relevant to relationships in organizations. Topics will include rights of workers to be free of discrimination in the workplace, the importance of workplace rules, and policies governing the workplace.

## **LW 6160. Regulation and Global Business Strategies. (3 Hours)**

This course provides an introduction to the international legal concepts, principles and institutions that define and shape international business relations. Globalization has increased the number of economic interactions across national borders. The globalization of production and consumption takes place in the background of an international monetary system and an international legal infrastructure facilitating and regulating transnational trade, international finance and global intellectual property and investment protection. The course specifically examines case studies of global governance based on codes of practice, certification and other regulatory initiatives.

**Prerequisite(s):** LW 6102 with a minimum grade of C- or LW 6400 with a minimum grade of C-

## **LW 6180. Health Law Survey. (3 Hours)**

Examines legal regulations governing the provision of healthcare services. Topics include access to health insurance and healthcare, healthcare financing, the organization and responsibility of healthcare institutions (especially hospitals), healthcare cost containment policies, public and private insurance programs, and the formulation of health policy. Provides an introductory overview of the major statutes, regulations, and case law related to health law, including an introduction to the Patient Protection and Affordable Care Act, otherwise known as Obamacare.

**Prerequisite(s):** LW 6400 with a minimum grade of C-

## **LW 6182. Patient Records, Privacy, and Security. (3 Hours)**

This course explores the ethical and legal obligations respecting patient records, particularly electronic records. In addition to reviewing HIPAA's privacy and security rules, the course will cover professional ethics regarding confidentiality, common law and state protections for confidentiality, GINA, and the HiTech Act.

**Prerequisite(s):** LW 6400 with a minimum grade of C-

## **LW 6211. Antidiscrimination Law. (3 Hours)**

Provides an overview of antidiscrimination laws governing the workplace. Focuses on discrimination based on race and sex, but some attention will also be given to discrimination based on other characteristics, including age, sexual orientation, and disability. In addition to general issues of discrimination, also focuses on the specific topics of retaliation, harassment, and bullying in the workplace.

**Prerequisite(s):** LW 6400 with a minimum grade of C-

## **LW 6230. Intellectual Property Survey. (3 Hours)**

Introduces the classic principles of copyright, patent, trademark, and trade secret law and explores the ways in which those principles are shifting and adapting in response to new technology. In our modern-day "information economy," the law of intellectual property (IP) has taken on enormous importance to both creators and users of creative works. Such IP law is the way we provide legal protection to encourage invention and creativity, by guaranteeing an opportunity for financial return to the originator of novel work.

**Prerequisite(s):** LW 6102 with a minimum grade of C- or LW 6400 with a minimum grade of C-

## **LW 6231. Identifying and Securing Intellectual Property Rights. (3 Hours)**

Focuses on intellectual property issues in employment, collaborative environments, and business transactions. Covers common issues for founders and startups, employers, and contractors; including non-compete agreements, crowd-sourcing, and open innovation practices.

**Prerequisite(s):** LW 6400 with a minimum grade of C-

## **LW 6232. Intellectual Property and Media. (3 Hours)**

This course will cover copyrights, trademarks, and unfair competition, with a focus on media, advertising, user-generated content, and other online activities.

**Prerequisite(s):** LW 6102 with a minimum grade of C- or LW 6400 with a minimum grade of C-

**LW 6400. Law, Policy and Legal Argument. (4 Hours)**

This course explores the legal levers that drive policy change. Advocates often intend to alter public policy in support of an organization or a cause. But influencing policy requires understanding who sets policy in the first instance. Is the issue governed by federal, state or local law? Are key decision makers elected or appointed? Who is it most important to persuade and what sorts of arguments are likely to convince the key audience? This course will introduce students to the mechanisms of government that drive key policy debates across a wide range of issues, which may include health care, market regulation, environmental policy, housing, education, the internet, privacy, and social policy. Emphasis will be placed on tailoring arguments to different constituencies.

**LW 6962. Elective. (1-4 Hours)**

Offers elective credit for courses taken at other academic institutions. May be repeated without limit.

**LW 7329. Environmental Law. (3 Hours)**

This course focuses on federal and state environmental laws. Topics include pollution control, waste management, and cleanup of contaminated land and water. The course explores legislative policy and regulatory decisions as well as enforcement issues. We will give attention to questions of environmental justice and to the strategic use of legal tools in working to ensure safe and healthy surroundings for diverse groups of people.

**LW 7333. Family Law. (3 Hours)**

This is a basic course in family law and family policy. The first half of the course explores state regulation of intimate relationships, asking what purposes marriage serves, and looking at the law of incest, polygamy and same sex marriage. The second half of the course examines practical problems in family law: cohabitants' rights; common law marriage; and the many issues relating to divorce, with a particular focus on money and children.

**LW 7335. Health Law. (3 Hours)**

This course examines the legal regulation of the provision of healthcare services. Much of the focus is on the relationship between law and healthcare policy. Topics include access to health insurance and healthcare, healthcare financing, malpractice liability, the organization and responsibility of healthcare institutions, especially hospitals, the regulation of the quality of care and the formulation of health policy. This course is highly recommended for all students enrolled in the JD/MPH dual degree program, but is open to others as well.

**LW 7358. Social Welfare Law. (3 Hours)**

This course examines American public assistance as a legal institution. After reviewing the historical, sociological and juridical roots of the welfare system, students examine the laws governing major assistance programs, especially eligibility requirements, rules governing grant determination, work and family rules, and procedural rights. Primary emphasis is on statutory and regulatory construction. The course explores methods by which lawyers can deal with the system: advocacy in the administrative process, litigation, legislative reform and representation of recipient organizations.

**LW 7369. Intellectual Property. (3 Hours)**

In our modern day information economy, the law of intellectual property has taken on enormous importance to both creators and users of intellectual creations. Introduces students to the classic principles of copyright, patent, trademark, and trade secret law and explores the ways in which those principles are shifting and adapting in response to new technology.

**Prerequisite(s):** LW 6400 with a minimum grade of C-

**LW 7463. Nonprofit Organizations. (3 Hours)**

This course is about federal regulation of nonprofit organizations. Why does the government exempt certain organizations from tax? What are the rules that nonprofit organizations must follow in order to retain their tax-exempt status? What activities by nonprofit organizations are prohibited by federal law? These and other questions about non-profit organizations will be discussed. The course will focus on relevant Federal tax law, but there is no prerequisite for the course. Although the course is about the Internal Revenue Code, the concepts of income taxation (what is income? when is it income? etc.) are irrelevant because nonprofit organizations are exempt from tax.

**Prerequisite(s):** LW 6400 with a minimum grade of C-

**LW 7488. Sexuality, Gender and the Law. (3 Hours)**

This course uses case law and theory to address doctrinal problems and justice concerns associated with gender and sexuality. The syllabus is organized around notions such as privacy, identity and consent, all of which are conceptual pillars upon which arguments in the domain of sexuality and gender typically rely. Doctrinal topics include same-sex marriage, sodomy, sexual harassment, discrimination, among others, but the course is not a doctrinal survey; it is a critical inquiry into key concepts that cut across doctrinal areas. Students should expect to write a paper and share some of what they have learned with the class.

**LW 7491. International Human Rights and the Global Economy. (3 Hours)**

This course surveys the international human rights legal system. It includes the promotion and protection of economic, social, and cultural rights (such as rights to health, food, water, and education) and civil and political rights (such as equality and non-discrimination, the right to human security, the prohibition on torture, and rights to religious and cultural expression). We begin by examining the history and theoretical origins of human rights law. We then engage the legal framework under international and regional human rights treaties and interpretations of them by international, regional and domestic courts and other actors. We examine international, regional and domestic mechanisms for monitoring compliance. Finally, we grapple with tensions among cultural and religious imperatives and traditional human rights.

**LW 7494. Bioethics and the Law. (3 Hours)**

This course will focus on the intersection of law and bioethics and will consider how different ethical theories may guide legal decisions. Topics will include physician-assisted suicide, testing for HIV, reproductive technology, and rationing of healthcare. Students will be expected to write a research paper and share some of what they have learned with the class.

**LW 7512. Problems in Public Health Law. (3 Hours)**

Explores the rationales for using law to protect and preserve the public's health, the legal tools that may be used to achieve that end, and the conflicts and problems that may result from legal interventions. Topics discussed include the use of law to reduce the spread of HIV and other infectious diseases, control of tobacco and other hazardous products, bioterrorism, and the threats to civil liberties and minority groups engendered by all such legal efforts. Students who do not meet course prerequisites may seek permission of instructor.

**Prerequisite(s):** LW 6400 with a minimum grade of C-

**LW 7514. Natural Resources Law. (3 Hours)**

This course addresses legal requirements and institutions dealing with animal and plant species, biological resources, habitats, and ecosystems. Major themes include biological diversity, endangered and threatened species, public and private rights in migratory resources, public trust doctrine, the allocation of power among federal, state, and local governments, and the roles of administrative agencies in ecosystem management. The course provides opportunities to explore specific topics of interest such as environmental ethics, wetlands protection, fisheries law, Native American hunting rights and fishing rights, and management of national parks, forests, and grazing lands.

**LW 7526. Juvenile Courts: Delinquency, Abuse, Neglect. (3 Hours)**

Examines the evolution of the juvenile court system and issues related to juvenile justice and child welfare. Includes the study of procedural and substantive principles related to court subject matter, including delinquency, youthful offender, status offense, and abuse and neglect jurisdiction. In attempting to focus on connecting theory to practice, the class employs a contextual lens by considering the larger communities and systems that affect children, families, and public safety. This entails consideration of the consequences of decisions and policies in and out of courtrooms. Related topics include adolescent development; racial, ethnic, and gender equity; access to educational and mental health services; and public health.

**LW 7530. Education Law. (3 Hours)**

Surveys current issues in U.S. education law. Topics may include high-stakes testing, school choice and the charter school movement, resegregation, special education, the school-to-prison pipeline, and school funding.

**LW 7550. Refugee and Asylum Law. (3 Hours)**

This course will explore the law of asylum and refugees. The primary focus will be on U.S. law as it has evolved since passage of the Refugee Act of 1980. This will include legislation and case law—both administrative and federal court cases. It will also look at relevant international law and standards utilized in other countries by way of comparison with U.S. Law. We will also examine the process of asylum adjudications to analyze issues of due process, credibility, cross cultural communication and integrity of the various legal procedures. We will explore new and emerging theories of asylum eligibility and policy developments which impact asylum seekers in the United States.

**LW 7582. Elder Law. (3 Hours)**

Examines legal and policy questions related to aging individuals. Older Americans face an increasing number of legal questions involving entitlement to public benefits, protection of property, utilization of medical resources, healthcare decision-making, and interaction with legal and financial institutions. Topics include Medicaid benefits, Medicare benefits, Veterans Benefits for elderly veterans and their spouses, age discrimination, nursing home institutionalization, income maintenance (social security benefits, pensions etc.), elder abuse, consumer fraud targeted at older consumers, guardianships, conservatorships, competency and capacity, alternatives to guardianships and conservatorships, end of life issues, tax issues in elder law and estate planning for elders. Also discusses ethical issues that arise when representing the elderly.

**Prerequisite(s):** LW 6400 with a minimum grade of C-

**LW 7588. Reproductive Rights and Health. (3 Hours)**

Examines how sexual and reproductive health laws impede or increase access to sexual and reproductive healthcare and shape how we understand what constitutes sexual and reproductive health. Attention is paid to understanding legal doctrine, public health research, and critically assessing issues arising from sexual and reproductive health law. Draws on various tools of analysis including critical race theory, critical legal theory, human rights, and a range of public health methods. Topics covered include, amongst others, sexual and reproductive health law as it pertains to abortion, sexuality, pregnancy, marriage, healthcare in prisons, immigrants, HIV/AIDS, and sex education.

**Prerequisite(s):** LW 6400 with a minimum grade of C-

**LW 7597. Civil Rights and Restorative Justice Clinic. (1-6 Hours)**

The CRRJ (Civil Rights and Restorative Justice) Clinic engages students in legal research, litigation and legislative initiatives relating to anti-civil rights violence in the United States. CRRJ clinic students assist law enforcement agencies considering criminal investigation and pursue civil litigation against government entities. One of CRRJ's projects, Reconstructing Cases of Racial Violence, involves researching cases where criminal prosecution may not be an option. Students reconstruct legal proceedings and conduct factual investigations. The project focuses on practical legal research skills and helps students integrate the law of torts, civil procedure, federal courts, criminal law, and constitutional law. Faculty will provide individual supervision of each student.

**LW 7600. Current Issues in Health Law and Policy. (3 Hours)**

Examines recent debates in health law and policy through discussion of current events, proposed legislation, and scholarly articles in the legal, medical, and public policy literatures. Weekly topics depend in part on student interest, but likely include federal healthcare reform, malpractice liability reform, obesity, health disparities, regulation of pharmaceutical promotion, and other issues related to healthcare access, quality, and financing. Requirements include weekly readings, weekly attendance and participation, a brief presentation of one health law-related current event, a research paper of at least 20 pages on any approved health law-related topic, and an oral presentation of the research paper. Previous health-related coursework or work experience is recommended but not required.

**LW 7606. Drug Law and Policy. (3 Hours)**

The field of Drug Law is vast, spanning the discovery, manufacture, distribution, and consumption of chemical agents designed to alter the human condition. This course focuses on three domains of the broader subject: the evolution and current state of the Federal Food, Drug, and Cosmetic Act; the architecture of the drug regulation system in the U.S., including the distinct space occupied by the Food and Drug Administration, the Department of Agriculture, and the Drug Enforcement Agency; and the role of regulation and tort litigation in harmonizing drug policy with science. Designed around legal and policy case studies, this course is intended for students expecting to become involved in clinical practice involving pharmaceuticals as well those generally interested in the interplay of law and public health.

**Prerequisite(s):** LW 6400 with a minimum grade of C

**LW 7612. Wrongful Convictions and Post-Conviction Remedies. (3 Hours)**

The emergence of DNA testing has not only assisted law enforcement in solving crimes, but it has also helped to expose a problem that many observers of the criminal justice system have long suspected: that a number of actually innocent prisoners have been convicted in the United States. Given that biological evidence suitable for post-conviction DNA testing is available in only a smattering of cases, the exonerations generated by DNA represent only the tip of the innocence iceberg, so to speak. This class will explore (1) the primary factors that contribute to the phenomenon of wrongful convictions, (2) the state and federal procedures through which post-conviction claims are litigated and (3) potential reforms to protect against the conviction of the innocent.

**LW 7635. Laboratory Seminar in Applied Design and Legal Empowerment. (4 Hours)**

Offers students the opportunity to critically engage with design methods and principles in the development of new solutions and ideas for our legal systems, institutions, and problems. Examines methodologies derived from the fields of product, service, and critical design and emphasizes hands-on student engagement with structured creative processes, field observations, prototyping or other methods derived from a diversity of creative disciplines. Students apply these methodologies and skills in the formulation of a response to a timely design question. Students' exploration of critical design fosters a vision of a future world where everyone is empowered to use the law.

**LW 7651. Human Rights in the United States. (3 Hours)**

Explores the role of international human rights frameworks and strategies in social justice lawyering in the United States. On a range of issues, lawyers are bringing human rights home. They are using human rights mechanisms of the United Nations and Inter-American Human Rights system, drawing on international human rights and comparative foreign law in litigation before U.S. courts, and engaging in other human rights-based advocacy such as documentation, organizing, and human rights education. Advocates find that a human rights approach provides important strategic leverage and highlights the interdependence of economic, social, cultural, civil, and political rights. Uses skills exercises, assignments and real-world problems to develop practical skills to address policies on local, state and national levels, and to support social movements.

**LW 7654. Race, Justice, and Reform. (3 Hours)**

This seminar will focus on: how the criminal justice system impacts community members; how laws, policies and practices disparately impact communities of color and perpetuate structural economic inequality; and how Massachusetts and other states struggle to reform our criminal justice systems. Class sessions will examine specific topics and discuss class readings on those topics. Each student will choose one topic to investigate and explore. Students will write papers identifying and analyzing the issues germane to their topic. In addition, they will investigate and develop narratives describing the community impact of particular criminal laws and policies. Finally, they will create podcasts and op-eds to educate the public about this particular topic and what reforms are needed to address the problems illuminated by their research and narratives.

**LW 7660. Disrupt the Cradle-to-Prison Pipeline—Restorative Justice. (3 Hours)**

Examines how we construct the cradle/school-to-prison pipeline while focusing on several pivotal points that channel largely poor Black and Brown students into it. With an eye toward practical application, offers students an opportunity to learn about, critique, problem-solve, and create pipeline-disrupting solutions looking to restorative justice as a time-honored justice paradigm alternative to our Western constructions.

**LW 7667. Law and Ethics of Advocacy. (3 Hours)**

What limits are there on actions aimed at influencing public officials or public opinion? What limits should there be? Clearly, it is unlawful to offer a bribe to a public official to produce a desirable outcome. But what constitutes a bribe? Can a lobbyist send a wedding gift to a favorite legislator? Are the rules different when advocacy efforts reach beyond United States borders? Are there limits on what an advocate can say to promote a product or service? Where is the line between conduct that is legally permissible and conduct that is not? To what extent are legal boundaries and ethical boundaries aligned? This course will explore the ethical and legal issues that arise in connection with advocacy.

**LW 7669. Law and Technology. (3 Hours)**

Examines law and technology as both processes and artifacts endemic to human groups, who have been toolmakers and lawmakers since human history has been recorded. Yet, in recent times, development of technological things has outpaced development in the law, bringing about what we might describe as new "design challenges" within the law. Considers several disputes around ownership and property, and safety and risk, and offers students a conceptual framework from the social study of science and technology by which to understand technology and the law. Focuses on the regulation of "digital labor" and algorithmically convened labor markets, such as Uber.

**Prerequisite(s):** LW 6400

**LW 7681. Law and Biotechnology. (3 Hours)**

Seeks to identify and explore important ethical, legal, and policy issues associated with the challenges resulting from developments in biotechnology and the life sciences. Existing legal approaches and instruments dealing with such critical issues as genetic discrimination, intellectual property rights in biotechnology, regulating new reproductive technologies, drug development, informed consent, responsible conduct of research, forensic uses of DNA, and privacy have been thrown into question. These developments are reconstituting concepts of legal rights and obligations of people in relation to their governing institutions. Focuses particularly on human genetics.

**LW 7685. Human Rights, IP and Access to Medicines. (3 Hours)**

Explores claims to right-to-health protections across the entire life cycle of a medicine from basic biomedical research to rational end use. Focuses on how international and U.S. intellectual property protections impact both innovation incentives and access to medicines. Emphasizes IP rules impacting low- and middle-income countries, pressures seeking to increase IP protections, and flexibilities existing under international law alongside new approaches that might accelerate and ease access to needed medicines both domestically and abroad. International human rights instruments clearly articulate a "right to health" and a right to the benefits of scientific advancement, but the human right of equitable and affordable access to medicines of assured quality and other health technologies is less developed.

**LW 7976. Directed Study. (1-6 Hours)**

Offers independent work under the direction of members of the department on a chosen topic. Course content depends on instructor.

**LW 7978. Independent Study. (1-3 Hours)**

Any approved student in good standing may engage in one or more independent study projects, totaling not more than three credits during an academic term and six credits total. A student wishing to conduct an independent study must secure the approval of a faculty member who agrees to supervise the project. Many students use independent studies to continue to examine a topic or to extend the syllabus of a course. Students may also design projects which are not based in course work, but in all cases a faculty sponsor must agree to the project.