J-Term 2024

**LAW546E: CRITICAL RACE THEORY**

This is a seminar about critical race theory. The seminar has one primary objective, which is to acquire an intimate facility with critical race theory. Many people who talk about critical race theory, including both proponents and opponents, often have no idea what critical race theory is about and what it means. Our primary objective is to understand the themes and logics of critical race theory, including its aims and limitations. Recently, critical race theory has become a flash point that has divided our society. Critical race theory was always controversial within the legal academy. But for decades, it has been completely unknown outside of particular academic disciplines. Thirty-years since its inception, critical race theory has become one of the most polarizing issues in our contemporary politics. What is it about critical race theory that has made it a political tool of division? My hope is that this seminar will help us to understand critical race theory’s core aims and to understand why those core aims pose a fundamental challenge to the socio-political order.

Class requirements are two-fold. First, students are required to come to every class and be prepared to discuss that day’s readings. Second, each student is required to produce a 3-page reaction paper based on the class readings.

**LAW546F: LEGAL & POLICY ISSUES IN URBAN EDUCATION**

The Legal and Policy Issues in Urban Education Course will examine state and federal laws school leaders are required to implement to ensure that the rights of both students and staff are protected. It is imperative that school leaders understand their legal obligations and create practices and procedures that create safe educational environments and support equitable outcomes for students. To that end, participants will have numerous opportunities to analyze hypothetical situations to reach legally sound decisions. Participants will examine and discuss how institutionalized practices often lead to racial disproportionality in areas such as discipline, special education, and access to rigorous courses.

**LAW546G: HEALTH CARE ACCESS**

This seminar covers the law of health care access in the United States. Topics include: (i) legal obligations of health care providers to provide care regardless of ability to pay; (ii) civil liability of private health insurers; (iii) state and federal regulation of health insurance underwriting and managed care practices; (iv) Medicare and Medicaid eligibility, coverage, financing, and administration; and (v) anti-discrimination statutes applicable to health care providers, insurers, and public health care programs.
LAW546I: INTELLECTUAL PROPERTY, ENTREPRENEURSHIP, AND INDIGENOUS COMMUNITY DEVELOPMENT

This main objective of this course is to understand the role of intellectual property in entrepreneurship and how lawyers can support entrepreneurs to best develop and manage intellectual property (IP) assets, integrate them into a successful business, and align the company’s IP strategy with its business strategy. The course will apply these concepts to case studies involving indigenous and Native Hawaiian business and community development.

The course will introduce students to different types of IP (copyright, trademark, patents, and trade secrets) and discuss their uses in companies at various stages of development. The course will cover best practices for developing, protecting, licensing, and enforcing IP rights. The course will apply these concepts to existing Native Hawaiian business and community development efforts. The students will also engage in applied learning through simulations and reflection.


This course is about the challenges and possibilities of achieving climate justice using the lens of the Global South. The course will examine how climate change – its physical impacts and the economic and other impacts of policy interventions intended to address its challenges – is experienced by countries and communities in the global South, in comparison to those in the Global North. Using the lens of human rights and social justice, the class will explore legal (international and domestic) strategies of achieving climate justice for countries and communities of the Global South. Students are expected to participate in an International Court of Justice moot court exercise and to submit memorials and a decision for such exercise at the end of the course.

LAW 520 Courses

LAW520B: SECURED TRANSACTIONS TOOL KIT

The Bar Exam Toolkit – Secured Transactions, Mortgages, and Titles – will help students prepare for bar preparation through explicit instruction in secured transactions and real property as tested on the bar and through practical exercises where students will learn how to write MEE essays, answer MBE questions, and be better self-regulated learners during bar study.

Students will leave the course with an understanding of the black-letter law necessary to pass Secured Transactions MEE essays, Real Property Mortgages and Titles MEE essays, and Real Property Mortgages and Titles MBE multiple-choice questions.

The course will also provide students with an introduction to the content, test strategies, study skills, and learning tools necessary to succeed on the MEE and MBE. In the course, students will complete and review MEE essays and MBE multiple-choice questions. The course will inculcate successful learning strategies for bar exam preparation and teach students to apply the concepts of metacognition, spaced repetition, and retrieval practice to effectively use written feedback and model answers to improve MEE and MBE scores, customize their use of bar vendor resources, maximize material retention over time, and enhance their learning in the course, in law school, and during bar preparation.
**LAW520C: STATE CONSTITUTIONAL LAW**

This course will discuss the role of state constitutions within our federal system and the historical and reemerging role of state constitutionalism and positive rights within state constitutions, with a special focus on the Constitution of the State of Hawai`i.

**LAW520D: FEDERAL CRIMINAL SENTENCING**

This course explores federal sentencing practice and procedure. After a general consideration of the participants and their respective roles in the federal sentencing scheme, and how charging practices are determinative of sentencing outcomes, we will briefly discuss the practical effects of indeterminate and determinate sentencing schemes, and the impact of mandatory minimum sentences. We will then address the Sentencing Reform Act of 1984, the creation of the United States Sentencing Commission, the operation of the United States Sentencing Guidelines, and how these interact. Among considerations to be discussed are: (i) the remedial and punitive purposes of criminal sentencing, (ii) how the current Guidelines system furthers the statutory purposes of sentencing, (iii) the extent to which the Guidelines system has achieved its expressed goals, (iv) the extent to which those goals are congruent with fairness and moral culpability, and finally (v) where the Guidelines system is today and moving forward.

**LAW520F: EDUCATION LAW**

This course is an introduction to the law and policy of public education. This course addresses race and ethnicity, language acquisition, gender, and disability as it bears on educational equity; substantive and procedural due process concerns in school discipline; student free speech rights; federal authority over education; and educational reform efforts, including alternatives to traditional public education.

**LAW520G: ADVANCED HEALTH LAW**

This variable 2-3 credit hour course offers an interdisciplinary program of study focused on current legal developments for health care providers, lawyers and researchers. It offers an opportunity for studies in and writing about legal issues in patient care, mental capacity, undue influence, end of life decision-making and human research and includes the opportunity for attendance at a hospital ethics committee and a Human Studies Institutional Review Board plus joint sessions with geriatric and psychiatry doctors and/or fellows (schedules permitting). The course is geared towards those who have had some prior experience in the health care field or to those who have taken Law, Aging and Medicine or Health Law: Bioethics courses.

**LAW520H: ARTIFICIAL INTELLIGENCE & SOCIAL JUSTICE**

This course is the first law school course of its kind in the United States. The market for artificial intelligence systems and uses (collectively, AI) is slated to be in the trillions by 2030. Virtually every person on the planet is exposed to and impacted by AI, or soon will be. Systemic racism and other forms of discrimination are AI-mediated, and informational injuries and other harms result. Despite these facts, there is very little AI regulation in the United States and none at the federal level. In addition, existing laws that should protect people and communities do not do so, in part, because their application to AI-mediated harms is unclear or even impossible.
Today, there is a tremendous amount of public and policy debate about AI and the need for regulation to protect people, apply equal justice and the rule of law to AI, and to encourage innovation and trustworthy markets. State and foreign legislatures are moving forward. Federal legislative and regulatory proposals are being explored and announced. Now is the time to learn about AI technologies and AI systems and uses as subjects for the law. Now is the time to get engaged. This is the Artificial Intelligence Age, and law students who prepare themselves will find opportunities for excellent employment and, more, meaningful opportunities to contribute to the ongoing AI debates and to the creation of new and vital laws.

This course introduces you to and engages you directly in the study of artificial intelligence, legislation and regulation, and social justice learning and work through the foundational lenses of civil rights and consumer protection. With diligence and efforts and fostering their growth mindsets, students will onboard a demonstrable knowledge of AI systems, including machine learning, big data, data curation, and other aspects of such systems. Readings, AI use case research and short writings, group work, class discussions, and other activities among and between Professor Loza de Siles and class members are regular feature of the course. Those activities help students to: (1) learn and practice lifelong strategies for meeting the professional ethical duties, including as to competence and diligence regarding AI and other technologies; (2) elevate and competitively differentiate themselves during law school and throughout their careers; and (3) make meaningful and impactful contributions toward a greater realization of justice and equal protection for all in today’s increasingly algorithmic society. Read on!

This is a special offering of the Artificial Intelligence and Social Justice course. There is no final exam in this course. Instead, all students are required to write a substantive final course paper. For students who also register for Professor Loza de Siles’ Second-Year Seminar (SYS) section, your successfully completed course paper writing project in this course will satisfy your upper-level writing requirement for law school. For students taking this course for SYS credit, the final paper must be at least 11,000 words in length, excluding footnotes. For students taking this course, but without SYS credit, that minimum word count is 9,000. When done, students’ final papers in this course will serve as excellent writing samples showing their knowledge about AI, creative legal thinking, and prowess in communication and critical thinking skills.

Subject to funding and other supports, performance in this course, and students’ additional preparatory work, I may invite selected students to participate with me in IEEE’s 2024 Congressional Visit Days (CVD) in Washington, D.C, likely in early April. CVD offers a one-day training with IEEE-USA’s Government Relations team and IEEE members from around the country. The second day is filled with meetings on Capitol Hill with professional staffers and, subject to their availability, Senators and Representatives themselves, to discuss and advocate for informed and responsible AI regulation. Here is an article about our participation this year. Note: I am an IEEE member and serve on IEEE’s AI Policy Committee and in other volunteer roles. Student membership is not required to participate.

**LAW520I: HAWAI‘I REAL ESTATE TRANSACTION LAW**

This course offers a practical approach to real-world legal issues, real estate contracts and experiences encountered by real estate attorneys, providing a foundation for both transactional lawyers and litigators, developers and real estate investors. Students will explore residential real estate and select commercial real estate law, gaining a well-rounded understanding of the legal implications of each phase of real estate transactions, and identifying and solving legal issues involving sellers, buyers and brokerage firms.
**LAW520J: THE PUBLIC TRUST UNDER THE HAWAII CONSTITUTION**

The Hawaiʻi Constitution provides that all public natural resources, including land, water, and air, are held in trust by the State for the benefit of Hawaiʻi’s people and for future generations. As a trustee, the State and its political subdivisions are required to conserve and protect Hawaiʻi’s natural beauty and public natural resources. This course explores the dynamic case law of Hawaiʻi that has addressed the purposes of the public trust doctrine, the affirmative duties placed upon the State to protect our natural resources, and the procedural safeguards agencies are to employ when making decisions affecting public resources.

Also reviewed in this course is Hawaiʻi’s constitutional provision establishing each person’s right to a clean and healthful environment, which together with the public trust doctrine, forms the bases of a lawsuit filed by youth plaintiffs in Hawaiʻi asserting that the State has insufficiently reduced greenhouse gas emissions from fossil fuels in its transportation system.

**LAW520K: HEALTH LAW & POLICY**

Central to the Native Hawaiian understanding of health is the concept of lokahi (balance/harmony). That concept is the reason why health care in Hawaii has always been at the forefront of innovating the industry, with the landmark Hawaii Prepaid Health Care Act of 1974 requiring Hawaii employers to provide health care coverage, through implementation of the Affordable Care Act, and now the Inflation Reduction Act.

This course surveys legal issues and policy considerations aimed at providing a conceptual framework and perspective of the rapid transformation needed to effectively navigate and address legal and policy challenges at the intersection of health policy and law. This interdisciplinary class introduces students to policymaking, health economics, and public health law and provides a unique opportunity featuring guest lectures from leading industry experts who have a contemporary perspective of the healthcare environment.

Students completing this course will gain a firm grasp of the fundamentals of social, political, economic, and legal dynamics of health policy to critically assess the challenges facing health care in Hawaii.

**LAW520M: INTRO TO ERISA LAW**

The protections afforded by ERISA, or the Employee Retirement Income Security Act of 1974, to participants and beneficiaries of employer-sponsored pension and health and welfare plans affect most working individuals. This is largely due to ERISA's non-discrimination requirements and corresponding Internal Revenue Code provisions. This course will provide an introductory framework for understanding the origins, purposes, and operation of ERISA.

**LAW520N: EXTENDED BAR REVIEW II**

This hybrid course is designed to provide a review of substantive law in three areas that are heavily tested on the bar exam—Contracts, Evidence, and Torts—and to develop the skills necessary to apply the substantive law to answer bar exam multiple choice and essay questions. This course will also introduce students to the Multistate Performance Test.
The course is intended to assist students in: (1) Developing a strategy for answering multiple choice questions as tested on the bar exam; (2) Critically reading and writing essays and the multistate performance test; and (3) Reviewing the substantive law that many students have not studied since their first year of law school. To achieve the objective of not only passing this class but also passing the bar exam (your ultimate goal to practice as a lawyer), you must commit yourself to completing the course assignments in a timely and satisfactory manner and participating in class. To measure your success, and your ability to pass the bar exam, you will have assignments each week consisting of Modules that include reading, learning checks, multiple choice questions, essays, and performance tests. This course is asynchronous (except for exams as stated below), so while there is no set date for the class, you must complete the Modules in the week they are assigned.

You will also have a midterm and final exam, each comprised of multiple choice and bar essay questions. The Midterm and Final Exams are delivered live and in person at the Law School.

**LAW520P: CLERKSHIP PREP SEMINAR**

Ever wondered how to learn to apply all your law school coursework and education to use in “real-life” after graduation?

A judicial clerkship provides new attorneys with an opportunity not only to hone additional research, writing, and litigation skills, but also gives a front-row seat for real-life insight into the thought process of the court when analyzing a case. The reality is that any legal issue you're handling could end up in court—for a judge to decide. So, understanding the skills needed for a clerkship— and engaging in real-life practice of those skills— will enable a future clerk (and, to be frank, any future lawyer) to excel in their new career from Day One.

This seminar will teach you the practical skills needed as a judicial clerk— not just legal research and writing, but also how to analyze legal issues objectively from a judicial perspective— and will put those skills to use in a practical setting. Together we will focus on some of the most common types of motions seen by a court, and you will draft portions of judicial opinions on those motions—just as a clerk would. Students will also have the opportunity to hear from guest speakers, including judges and former clerks, and get a firsthand perspective on the benefits of clerking.

Whether you intend to pursue a clerkship after graduation or just want to be better prepared with the practical skills necessary for any new lawyer, this seminar will give you the tools to help you excel. **Note:** If you are unsure whether to elect 1 or 2 credits for this course, please email the instructor (trista.speer@gmail.com) and learn more about the syllabus.

**LAW520Q: WHITE COLLAR & CYBER CRIME IN PRACTICE**

Students in this course will study white collar theft, cybercrimes, and how those two intertwine. With this substantive law as a basis, students will use fact patterns inspired by real incidents to learn how to identify the elements of a crime and how to identify and present the evidence needed to charge those crimes. Students will present their case, with witnesses and evidence, to a grand jury composed of their peers. Students will also use a fact pattern inspired by a real incident to draft a motion or a memo. Students will argue the motion in front of a criminal law practitioner or judge. Planned guest speakers include Honolulu Police Department detectives who investigate white collar and cybercrime cases.
**LAW520S: CODING FOR LAWYERS**

Coding for lawyers will introduce law students to the fundamentals of computer programming. Understanding how software is built will allow students to interact more confidently with clients in the technology field, start legal tech startups, and find creative new ways to grow a law firm. Throughout the semester students will build software to automate the law, collect information, and analyze large datasets.

This class is for complete beginners who have no prior coding knowledge. Students will gain hands-on experience learning the programming language Python. Students will be expected to complete coding-related homework assignments and small projects throughout the semester.

**LAW520T: SOCIAL WORK & THE LAW**

This course will expand your knowledge of judicial systems and laws relevant to social work practice in corrections, child-family welfare, health, immigration, advocacy, and mental health. You will have an opportunity to learn skills for effective participation in the legal process through hands-on practice.

**LAW520V: UNIONS & LABOR LAW**

This course explores foundational concepts and associated legal, social, and political issues related to labor and unions, including: (1) the basic history and development of labor unions in Hawaii and nationally; (2) income inequality and the economic landscape in which unions operate; (3) re-thinking how to build a movement through labor, work, and lawyering; (4) Looking beyond labor law to impact our communities from the ground up. The course will apply these concepts by analyzing case studies of local and national organized labor campaigns, and exploring how we use our own labor/work history to build solidarity and make change.

**LAW520W/PH673: HEALTH, ETHICS, LAW & POLICY**

This course will review theories and case studies concerning health care ethics, law and politics. Topics include health care quality, key health care policymakers, and the intersecting issues of policy and law with medicine, public health, and ethics. Focus is on Indigenous health policies using a case study format. Students will learn basic principles of public health, including social determinants of health and policy determinants of health. Students will engage in real-world application of materials through drafting and submitting legislative testimony and regulatory comments with a particular focus on developing strong legal and policy arguments informed by an understanding of the policy process.

**Additional Course Information**

**LAW539: EQUITABLE REMEDIES**

Remedies is the study of the various forms of relief to which a plaintiff may be entitled upon prevailing in a lawsuit. We will begin by reviewing and expanding upon what you learned about damages in the first year. We will then turn to equitable remedies, including temporary restraining orders, preliminary and permanent injunctions, and specific performance, before concluding with
a basic overview of restitution and unjust enrichment. Future litigators especially will benefit from a better understanding of remedial options so that they can advise clients and develop case strategies with the end goal in mind. The course should also be helpful early bar preparation, especially for Contracts and Torts, and there will be multiple opportunities for practice exercises and feedback.

**LAW553: EDISCOVERY**

The most important part of any civil case is the discovery process. Because important evidence is now available from many sources and stored in many forms (i.e. social media, smartphones, the cloud), today’s attorney must be competent in the identification, collection, preservation, review and production every form of electronically stored informant (“ESI”). The traditional process of document review—involving human beings reading paper—is rapidly being replace by computer programs that can identify, segregate and produce responsive docs. Understanding how ESI is stored, how to properly ask for it, collect it, preserve and produce it will most likely make the difference in any civil case: it will mean the difference between winning and losing at trial, or in summary judgment. It may mean the difference between a successful legal career or sanctions and even legal malpractice claims. The attorney who understands these issues and has a working knowledge of the programs and law related to ESI possesses valuable, practicable and marketable skills—skills and knowledge that many “older,” more experienced attorneys (read: hiring partners) lack.

This course will: (1) survey the relevant law, theory and practice of ESI, with a focus on the recent changes to the Federal Rules of Civil Procedure and Evidence; (2) discuss the dominant computer algorithmic techniques and principles used in e-discovery (search terms, predictive coding, etc.) and the legal, ethical and technological problems associated with each; (3) teach about actual e-discovery practices from the experts in their fields (the litigation hold, forensic challenges, motions to compel, etc); and (5) provide exposure to some of the leading software programs being used for e-discovery.

**LAW580: LAND USE MANAGEMENT AND CONTROL**

This is a survey course in public control of private use of land: how do state, local, and federal agencies regulate the land development process? Special emphasis is on constitutional issues (exclusionary zoning, regulations and exactions that may be "takings" of property under the federal Constitution), growth management, and innovative techniques such as impact fees, development agreements, and planned unit development. We will also cover zoning, subdivision and housing codes, state and regional land control statutes, together with those aspects of eminent domain, environmental, and public land management law affecting the use of private land.

**LWEV530: CLIMATE CHANGE LAW & POLICY**

The existential threat to future generations posed by increasing greenhouse gas emissions is the preeminent legal issue of our time. A growing vanguard of women and men are attending law school to employ the power of the rule of law to protect the future of humanity and our living planet from global warming to 1.5 degrees above preindustrial global temperatures. This class will be a laboratory for tactical and strategic application of the environmental rule of law to prevent catastrophic global warming. The details of effective climate rights litigation and policy, locally,
nationally, and internationally will be emphasized. The role of lawyers who seek to aid the growing community of climate champions worldwide who protest the violation of their climate rights will be central to the climate-action policy-making initiative of the class. Ecocide, positive disruption of legal norms of corporate responsibility and the emerging supercharge of climate rights through social media are among the front-line issues that will inform our prescription for future climate action. Class instruction will include virtual and live participation of judges and climate practitioners in the United States and other countries.

**LWPA575T: LAW OF ARMED CONFLICT**

This class (which counts towards the Certificate in International and Comparative Law) is an introduction to the International Law of Armed Conflict (LOAC), also referred to as International Humanitarian Law (IHL). It aims to accomplish two goals: introducing students to this body of law and enabling them to critically analyze the legal challenges of current conflicts including the Israel-Hamas and Russia-Ukraine wars. The class will explore the history and development of LOAC, delve into the debates on the technical rules and practical applications, and promote a greater understanding of this defining feature of war. At the conclusion of this course, students will be able to write an objective memorandum predicting the resolution of one or more legal issues related to IHL; comprehend legal texts related to IHL and apply the legal principles extracted from the texts to new factual circumstances; and communicate effectively orally and in writing by presenting the material in a clear, concise, well-organized, and professional manner that is appropriate to the audience and circumstances.

**LWPA575U: TRANSNATIONAL LITIGATION & ARBITRATION**

This course introduces the procedural issues that arise in the resolution of international disputes involving private parties, with a focus on transnational litigation in U.S. courts. Topics include personal and subject matter jurisdiction, service of process abroad, choice of law, extraterritoriality, discovery of evidence abroad, parallel litigation, and the enforcement of foreign judgments and arbitral awards. Doctrines will be illuminated through topical applications, including human rights litigation in domestic courts and transnational corporate liability for environmental harm. The course will also explore how international arbitration intersects with domestic law and fits within the broader international legal system. Familiarity with the topics covered in Civ Pro I and Civ Pro II is recommended, although not required.

**LWPA582B: TOPICS IN NATIVE HAWAIIAN LAW: EXAMINING PATHWAYS TO SELF DETERMINATION**

This course examines legal questions and laws related and relevant to Native Hawaiian self-determination and self-governance spanning the period between the Hawaiian Kingdom and the present. The course examines and compares relevant Hawaiian Kingdom law, Hawaiʻi State Law, federal law, and other relevant laws to develop a broad conception of how Native Hawaiians, as a people, may pursue the exercise of self-determination and self-governance.

**LWPA582E: TOPICS IN NATIVE HAWAIIAN LAW: FOUNDATIONS FOR KĀNĀWAI**

With a focus on Hawaiʻi’s history and justice through an ʻŌiwi lens, this course examines core cultural tenets, movements, and legal foundations as essential context for surveying and understanding the evolving body of Native Hawaiian Law today.