

# **Legal Studies Department**



## **Master of Arts Intellectual Property Concentration**

*Program 2006*

Montclair State University  
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The Master of Arts in Legal Studies offers a program of study for students seeking advanced preparation in legal studies. It provides academic opportunities leading to career enhancement for legal professionals. The degree offerings are on the cutting edge of specialty areas such as dispute resolution, human resource management, private sector compliance, law office management, legal technology, legal information management, trademark law, ethics and professional responsibility.

Legal Studies provides graduate instruction through a broad range of topics which develop the student's critical understanding of law. Graduate offerings in Legal Studies are designed:

- ✚ To enhance professional development in law-related fields.
- ✚ To advance the study of law within the context of an interdisciplinary liberal arts education.
- ✚ To provide a more advanced level of legal knowledge in areas such as compliance and human resources.
- ✚ To prepare for the technologically sophisticated legal environment of the twenty-first century.
- ✚ To develop theoretical and practical knowledge of advocacy and dispute resolution.
- ✚ To develop advanced research and writing abilities.
- ✚ To enhance analytical and critical thinking skills essential to the legal field.

Students may choose the Master's program without a concentration. The Master of Arts in Legal Studies General Program is recommended for graduate students who wish to meet their individual academic needs by incorporating courses from diverse offerings. There is the opportunity to choose from among all of the graduate-level department electives, including courses from the optional concentrations in Dispute Resolution; Governance, Compliance, & Regulation; Intellectual Property; and Legal Management, Information, & Technology. The optional concentrations are intended to meet the requirements of two more specialized dynamic and growing fields for legal professionals. At the end of their course of study, students may choose either to write a thesis or be tested by comprehensive examination.

The programs of the department of Legal Studies incorporate education in the liberal arts with sound preparation for law-related profession. Many career alternatives are possible for graduates in government, the corporate sector and private arenas. Graduate course work in legal studies serves the needs of a broad range of professional including:

- ✚ Managers; supervisors; human resource directors; claims managers and administrators; government administrators; international specialists; and information specialists.
- ✚ Paralegal managers; legal assistant/paralegals; human resource officers; investigators; criminal justice professionals; legal advocates for victims of domestic violence, the disadvantaged and the physically and mentally challenged.
- ✚ Primary and secondary school teachers desiring education in law or conflict resolution/peer mediation; consultants; newspaper reporters; practitioners in the field of dispute resolution; professionals who utilize dispute resolution in various forums, such as labor, insurance and financial markets.

In contrast to the Master of Arts in Legal Studies, the Post-Baccalaureate Paralegal Studies Certificate Program is an appropriate course of study for entry level preparation. Students may elect to pursue the Post-Baccalaureate Certificate and also the Master of Arts degree. Contact the Department of Legal Studies for further information.

## **REQUIREMENTS**

Candidates for admission to the Master of Arts in Legal Studies must have a baccalaureate degree from an accredited college or university and meet Montclair State University's minimum requirements for the Graduate Records Examination. In addition, candidates should have a minimum cumulative grade point average of 2.75 for their undergraduate work and in the three undergraduate prerequisite courses (an introductory law course, civil litigation, and legal research). Candidates who do not meet these criteria may be accorded deferred matriculation status and permitted to enroll in a maximum of two graduate courses in the M.A. program. If they attain a minimum of 3.0 in those graduate courses, then they may be granted full matriculation status for the M.A. program.

## **CONCENTRATION**

The Intellectual Property (LSIP) concentration is designed to address the specific needs of legal studies professionals in the concentration areas of a continuously evolving field. The program objectives are to provide appropriate education for Legal Studies students in the areas of theoretical and applied Intellectual Property law; to provide in-depth theoretical knowledge for those engaged in intellectual

property compliance, governance, sales, and market enforcement who wish to re-tool their skills to meet the demands of the changing regulatory environment; and to provide a well-defined, comprehensive knowledge of intellectual property from creation through licensing so that corporate and government regulators will apply their skills proactively, creatively, and in a conciliatory manner.

# INTELLECTUAL PROPERTY CONCENTRATION

## **I. REQUIRED COURSES (6 - 9 credits):**

LSLW 500 United States Legal System

LSLW 501 Ethical and Professional Issues in the Legal Environment

LSLW 511 Research Methods and Analysis \*\*\*

## **II. Select five from concentration courses (15 credits):**

LSLW 531 Administrative Law

LSLW 537 Entertainment Law

LSLW 538 Trademark Law

LSLW 545 Cyberlaw

LSLW 547 Intellectual Property: Copyright, Licensing, and Advertising

LSLW 553 Arbitration and Other Alternative Adjudicative Processes

LSLW 572 Legal Information Management

## **III. Select three courses from the following departmental electives (9 credits):**

LSLW 512 Statutory and Regulatory Analysis

LSLW 516 Comparative Legal Systems

LSLW 517 Evidence

LSLW 518 Terrorism: Legal & Regulatory Perspectives

LSLW 519 International Criminal Law

LSLW 520 Private Civil Responsibility: Contracts and Torts

LSLW 525 Introduction to Jurisprudence

LSLW 531 Administrative Law

LSLW 537 Entertainment Law

LSLW 538 Trademark Law

**LSLW 540** Criminal Trial Preparation  
**LSLW 545** Cyberlaw  
**LSLW 547** Intellectual Property: Copyright, Licensing, and Advertising  
**LSLW 550** Law Office Management and Technology  
**LSLW 551** Negotiation Theory and Practice  
**LSLW 552** Mediation Theory and Practice  
**LSLW 553** Arbitration and Other Alternative Adjudicative Processes  
**LSLW 554** Conflict Management & Peer Mediation in Schools  
**LSLW 555** Family Mediation  
**LSLW 556** Dispute Resolution in the Workplace  
**LSLW 557** Law Office Financial Management  
**LSLW 558** Cross-Cultural Conflict Resolution  
**LSLW 572** Legal Information Management  
**LSLW 574** Human Rights Law  
**LSLW 577** International Law and Transnational Legal Issues  
**LSLW 578** Legal Aspects of Human Resource Management  
**LSLW 579** Private Sector Compliance with Public Regulation

#### **IV. Thesis or Comprehensive Examination**

*Students must have completed 27 graduate credits and receive thesis or comprehensive examination approval.*

**For students selecting Thesis option:**

**LSLW 698** Master's Thesis

*(Master's Thesis students may continue their thesis progress with LSLW 699 Master's Thesis Extension) For students selecting Comprehensive Examination option, choose one additional departmental elective.*

**\*\*\* LSLW 500 may be waived by the Graduate Advisor for a student with a law-related background.**

**TOTAL SEMESTER HOURS FOR INTELLECTUAL PROPERTY CONCENTRATION:**

**36**

# COMP. EXAM INSTRUCTIONS

- ✚ **First** - Speak with Graduate Director: Dr. Barbara Nagle or Professor Jack Baldwin LeClair to decide which courses match your concentration and program of study.
- ✚ **Second** - Pick a realistic date by which you can be ready to take the Comprehensive Examination. You must give written notice to the Graduate Director and the Chair of the Department at least one full semester prior to taking the Comprehensive Examination. The exam is given in October and February of each year but by appointment only. See Examination Procedural Rules to fully understand the process.
- ✚ **Third** - Create a realistic program of research and reading for the examination which provides adequate preparation time. Consult the Comprehensive Reading List to determine what books and articles you should read.
- ✚ **Fourth** - Consult with your advisor on a monthly basis to inform him/her of your progress.
- ✚ **Fifth** - Two months prior to examination meet with your advisor to determine if you are adequately prepared.
- ✚ **Sixth** - Remember that you are responsible for knowledge in areas of the discipline which may include lectures, outside reading, and other assignments not merely the contents of written materials.
- ✚ **Seventh** - Please file for final audit with the Registrar. Deadlines are:

*June 1 for the following January graduation*

*October 1 for the following May graduation*

*March 1 for the following August graduation*

Depending on which graduation list you filed in time for, you will receive a Final Audit from this office according to the following schedule, and prior to the change of program registration period for your last semester:

*late December-January for May list*

*late April-May for August list*

*late July-August for January list*

# COMP. EXAM PROCEDURAL RULES

1. The comprehensive examination will be administered the last Friday of October and February every year. The examination period will be divided into two sessions. The morning session will commence at 9:30 a.m. and end 12:15 p.m. The afternoon session will commence at 1:30 p.m. and end at 4:30 p.m. Each session runs for two and one half hours and students will be required to complete two questions per session.
2. Students must register with the department at least one semester prior to sitting for the examination. The student must an application to take the Graduate Comprehensive Exam Form to the Graduate Director, with a copy to the Chairperson of the Department of Legal Studies. This must be done no later than October 15th for the February examination and no later than May 15th for the October examination.
3. Students requiring accommodation must inform the department of the nature of the handicap and type of accommodation requested at the time that they declare an intention to sit for the examination.
4. If you have declared your intention to sit for the exam with the Graduate School and the Department and been approved, four weeks before the scheduled examination time, you will receive a letter from the department specifying the location and guidelines for the examination.
5. Student must schedule a meeting with their graduate advisor after sending their letter of intent. Your advisor will review your work program, determine your present grade point average and prepare any SUBSTITUTION ON GRADUATE WORK PROGRAM forms, if necessary. You must complete and the APPLICATION TO TAKE GRADUATE COMPREHENSIVE EXAMINATION FORM. The application is also available on the Graduate School website.
6. Students should have completed a minimum of 27 graduate credits prior to sitting for the Comprehensive Examination.
7. Students need to have a minimum of 3.0 grade point average in their course work.
8. In addition to responsibility for their coursework, students are responsible for reading and researching the required materials prior to taking the examination. See Comprehensive Reading List.
9. Students wishing to use a computer must inform the department within two weeks of the intended examination date. A computer will be provided. However, students take full responsibility for loss of their work. If work is lost during a student's attempted answering of a question, it is the student's responsibility. Computer failure resulting in non-completion of a question may result in failure of that question.
10. There will be no questions from the required courses, LSLW 500, LSLW 501, and LSLW 511.

11. Students in the Dispute Resolution; Law & Crime; Governance, Compliance, and Regulation; or Legal Management Information & Technology; or Intellectual Property will have at least two questions to answer from the content based courses taken in the concentration.
12. All students may have to answer questions based on the electives they have taken, except out-of-department electives.
13. No more than four questions will be administered to a student at each sitting of the comprehensive examination.
14. Failure on the Comprehensive Examination. - A failure on more than one question will result in a student being required to retake the entire comprehensive examination with all new questions at the next administration date. Failure of one question results in the administration of a Clarifier Examination.
  - Students who fail one comprehensive examination question will be tested on a clarifying question called a "Clarifier" Exam. The "Clarifier" will consist of one question in the same subject matter area as the question failed and will be graded according to the same standards as the original question. The department will assign an administration date for the Clarifier within thirty days of notification students of their failure on one question of the Comprehensive Exam. Students who intend to take a Clarifier shall contact the department within fourteen days of notification by the department of their eligibility. For example, if students are notified on March 28 of their failure on one question and eligibility to take a Clarifier, they must notify the department of their intent to do so by April 10. The department will set a date for Clarifiers by April 24 and administer the Clarifier thereafter but not later than May 22. Students will be eligible for only one Clarifier per examination after failing a question. Failure of a Clarifier shall be deemed to be a failure on that question. Students who have sat for fewer than three comprehensive exams may sit for a new question in the next comprehensive exam cycle.

**15. Comprehensive Examination Format is subject to alteration without notice.**

*Students in any one of the five concentrations [Dispute Resolution; Legal Management Information & Technology; Governance, Compliance, & Regulation; Law & Crime; or Intellectual Property may have two questions selected by the department from your concentration. Students in the General Track may have four questions to answer from the content based courses you have taken.*

*All students may have to answer questions based on the electives they have taken.*

# COMP. EXAM READING LIST

<b>Author</b>	<b>Title</b>	<b>Publisher</b>	<b>Course</b>
<b>Eskridge &amp; Frickey</b>	<b>Legislation and Statutory Interpretation</b>	Foundation Press	<b>512</b>
<b>Griset, Pamela &amp; Mahan, Sue</b>	<b>Terrorism In Persepective</b>	Sage	<b>518</b>
<b>Bassiouni</b>	<b>International Criminal Law</b>	Translational	<b>519</b>
<b>Haymar, Robert</b>	<b>Jurisprudence: Contemporary Readings</b>	West	<b>525</b>
<b>Dyson</b>	<b>The Sun, The Genme &amp; Internet</b>	Oxford	<b>525</b>
<b>Britz</b>	<b>Computer Forensics &amp; Cyber Crime, An Introduction</b>	Prentice Hall	<b>527</b>
<b>Strauss, P.</b>	<b>Adm. Just in US.</b>	Carolina	<b>531</b>
<b>Pierce, Shapiro</b>	<b>Adm. Law</b>	Foundations	<b>531</b>
<b>Bacal, Barnaby, Hoffman, Etc.</b>	<b>Trademark Administration: A guide for Paralegals, Adm. &amp; Attorneys</b>	Int'l trademark Assoc.	<b>538</b>
<b>Rosenoer, J.</b>	<b>Cyberlaw</b>	New York: Springer-Verlay, 1997	<b>541</b>

<b>Author</b>	<b>Title</b>	<b>Publisher</b>	<b>Course</b>
<b>Roper B.</b>	<b>Using Computers in the Law Office</b>	St. Paul: West, 1996	<b>541</b>
<b>Ed. Kahint Nesson</b>	<b>Borders in Cyberspace</b>	MIT Press	<b>545</b>
<b>Lessig</b>	<b>Code and Other Laws of Cyberspace</b>	Basic Books	<b>545</b>
<b>Stephenson, Neal</b>	<b>Snowcrash</b>	Bantam	<b>545</b>
<b>Poltorak &amp; Verner</b>	<b>Essentials of Licensing Intellectual Property</b>	John Wiley	<b>547</b>
<b>Roper</b>	<b>Practical Law Office Management</b>	Thompson Delmar	<b>550</b>
<b>Fisher &amp; Ury</b>	<b>Getting to Yes: Negotiating Agreement</b>	Penguin	<b>551</b>
<b>Fisher &amp; Ertel</b>	<b>Getting Ready to Negotiate</b>	Penguin	<b>551</b>
<b>Breslin &amp; Rubin</b>	<b>Negotiation Thoery &amp; Practice</b>	Harvard Program Negotiation	<b>551</b>
<b>Domenici, Little John</b>	<b>Mediation: Empowerment in Conflict Management</b>	Waveland Press	<b>552</b>
<b>Kritek, P.</b>	<b>Negotiating at an Uneven Table</b>	San Francisco: Jossey-Bass, 1995.	<b>552</b>

<b>Author</b>	<b>Title</b>	<b>Publisher</b>	<b>Course</b>
<b>Baruch, Bush &amp; Folger</b>	<b>The Promise Of Mediation</b>	Jossey-Bass	<b>552</b>
<b>Winsladen, John &amp; Monk, Gerald</b>	<b>Narrative Mediation: A New Approach to Conflict Resolution</b>		<b>552</b>
<b>Baruch Bush, R. &amp; Folger, J.</b>	<b>The Promise of Mediation: Responding to Conflict Through Empowerment &amp; Recognition</b>	San Francisco: Jossey-Bass, 1994	<b>552</b>
<b>Moore, C</b>	<b>The Mediation Process: Practical Strategies for Resolving Conflict</b>	Jossey-Bass	<b>552</b>
<b>Kovach, K.</b>	<b>Mediation: Principles &amp; Practice</b>	St. Paul: West.	<b>552</b>
<b>Coulson, R.</b>	<b>Labor Arbitration</b>	New York: American Arbitration Assoc., 1998	<b>553</b>
<b>Elkouri</b>	<b>How Arbitration Works</b>	Bora Books	<b>553</b>
<b>Girard &amp; Koeh</b>	<b>Conflict Resolution Schools</b>	Jossey	<b>554</b>
<b>Redenbach</b>	<b>Self Esteem: The necessary ingredients for Success</b>	Esteem Sem. Programs	<b>554</b>
<b>Haynes, J</b>	<b>The Fundamentals of Family Mediation</b>	Suny	<b>555</b>
<b>Folberg, J. &amp; Taylor, A.</b>	<b>Mediation</b>	San Francisco: Jossey-Bass, 1984.	<b>555</b>

<b>Author</b>	<b>Title</b>	<b>Publisher</b>	<b>Course</b>
<b>Folberg, Milne Salem (2004)</b>	<b>Divorce and Family Mediation</b>	Guilford	<b>555</b>
<b>Cooper-Nolan</b>	<b>ADR in the Workplace</b>	West	<b>556</b>
<b>Eatonx</b>	<b>Employment Dispute Red. And Worker Rights</b>	IRRA	<b>556</b>
<b>Gleason</b>	<b>Workplace Dispute Res.</b>	Michigan State Univ.	<b>556</b>
<b>McDennott, &amp; Berkeley,</b>	<b>Alternative Dispute Resolution in the Workplace</b>	Westport, Ct.: Quorum Books, 1996.	<b>556</b>
<b>Meyer, C</b>	<b>Accounting &amp; Finance for Lawyers</b>	St. Paul: West, 1995	<b>557</b>
<b>Myers, Filner B.</b>	<b>Conflict Resolution Across Cultures From Talking It Out to 3rd Party Mediation</b>	Diversity Resources	<b>558</b>
<b>Nanstein</b>	<b>Classroom &amp; Courtrooms- Paperback</b>	Teachers College Press	<b>559</b>
<b>Myrna, David Sadker</b>	<b>Failing at Fairness- Paperback</b>	Touchstone	<b>559</b>
<b>Philip Fitch Vincent</b>	<b>Developing Character in Student- Softcover</b>	Character Developing Publishing	<b>559</b>
<b>Schniedewind &amp; Davidson</b>	<b>Open Minds to Equality- Softcover</b>	Allyn & Bacon	<b>559</b>

<b>Author</b>	<b>Title</b>	<b>Publisher</b>	<b>Course</b>
<b>Burgess, Allison</b>	<b>The Lawyer's Guide to the Internet</b>	Chicago: ABA Press, 1995	<b>572</b>
<b>Ishay, Michelene</b>	<b>The Human Rights H&amp;book</b>	New York: Routledge, 1997.	<b>574</b>
<b>Blakesley Firmage</b>	<b>The International Legal System</b>	Foundation Press	<b>577</b>
<b>Bederman</b>	<b>International Law Frameworks</b>	Thomson/ West	<b>577</b>
<b>Twomey</b>	<b>Labor &amp; Employment Law - 11th Edition</b>	Cincinnati, Ohio: Southwestern, 1994	<b>578</b>
<b>Moran</b>	<b>Employment Law</b>	Prentice Hall	<b>578</b>
<b>Yates</b>	<b>Why Unions Matter</b>	Monthly Review Press	<b>578</b>
<b>Murray, Wallace</b>	<b>Corporate Compliance: How to be a Good Citizen through Self- Policing</b>	Practicing Law Institute	<b>579</b>
<b>Sparrow, Malcom</b>	<b>The Regulating Craft</b>	The Banking INST.	<b>579</b>
<b>Peters</b>	<b>The Politics of Bureaucracy</b>	Rentledge	<b>579</b>
<b>Percival, Schroeder &amp; Leape, Milley</b>	<b>Environmental Regulations, Law, Science, and Policy</b>	Aspen	<b>590</b>