

# Advice for Specializing in Specific Practice Areas

What should I take if I am considering a particular specialty or type of law practice? This question was put to our experts in each area and here, in alphabetical order of the type of practice, is guidance in:

- Business Law
- Commercial Law / Bankruptcy
- Criminal Law
- Environmental Law
- Estate Planning
- Family Law
- Health Care Law
- Intellectual Property
- International Law
- Litigation
- Real Estate Law
- Solo Practice
- Tax Law

## ***Business Law***

-- Douglas Michael  
-- Rutheford Campbell

**A** business or “corporate” lawyer is involved in helping her client’s business succeed, plain and simple.

This will involve the organization of the business as a start-up, including advising on the form of business, employment contracts, how funds will be put in, relationships among owners and creditors, and other basics. There will be advising about regulatory compliance, contracts, taxes, and the like.

As counselor to a mature business, the lawyer will be involved in financing deals, changes in form or organization, refinancing of debt or other obligations, acquisitions, regulatory compliance with stock exchanges and securities regulators, occasionally also bankruptcy and workouts with creditors.

The business lawyer is a general advisor, counselor, and project manager.

The foundation course for all of this is, of course, a good grounding in Contracts and Sales. This course should have made particular sense to you as a first-year student. The gateway to upper level courses is **Business Associations**, with **Corporation Finance Law** being a necessary follow-on which covers advanced corporation law as well as the law governing a business’ financial structure. It is very important for a business lawyer to have a grounding in the financial basics of business, and therefore consider **Legal Accounting** if you did not have such a background before coming to law school. **Securities Regulation** will be important to most business lawyers, and should be on your short list. It is not a “boutique” or “specialty” course, but a core skill. You should take **Secured Transactions** early in your studies, as well as **Bankruptcy** if you find an aptitude and interest in creditor’s remedies. **Tax I** is an absolute requirement, if only for the ability to recognize tax issues to be referred to a specialist. **Corporate** or **Partnership Tax** would be very useful even if you do not plan a “tax practice.” Similarly, **Intellectual Property** and **Employment Law** are necessary for the competent business lawyer. Round out your expertise as a business lawyer with some of the specialty courses such as **Antitrust, Banking Law, Labor Law, or Nonprofit Organizations**. If the international aspects interest you, consider **International Trade Law**, which is the public law of trade, and **International Business Transactions**, which is the law of private businesses crossing international borders.

Important skills courses for a business lawyer would be **Legal Drafting** which should be taken early on, and the capstone **Business Planning** or **International Business Transactions** courses.

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## ***Commercial Law / Bankruptcy***

-- Christopher Frost

**T**he general field of commercial law is broad. It can encompass a wide variety of activities: negotiating sales contracts; litigating contractual disputes; assisting banks in making loans; debt collection; advising on leases of real or personal property; and a host of other general business problems. Bankruptcy practice is very similar. Although it seems like a narrow specialty, bankruptcy is simply an amalgam of general legal issues. The subject matter is made more challenging by the fact that the business or individual is in extreme financial distress. The upshot is that bankruptcy and commercial lawyers are expected to understand the full range of business law and civil litigation practice.

The best place to start is with a firm grasp of the basics. The basic courses necessary for commercial and bankruptcy practice are:

**Business Associations  
Secured Transactions  
Bankruptcy  
Taxation I  
Evidence  
Trusts and Estates  
Administrative Law**

These courses can be taken in either the second or third year, but because of prerequisites, you should strongly consider taking at least Business Associations, Taxation I and Evidence during your second year. Doing so will assure that you will have an opportunity to take advanced corporations, tax and litigation oriented courses should you choose.

In addition, there are a number of courses that may be helpful to you in commercial practice. They include:

**Payment Systems  
Real Estate Transactions**

**Corporation Finance  
Securities Regulation  
Banking Law  
Partnership and Corporate Tax  
Business Planning**

Advanced Civil Litigation Courses in both trial and appellate advocacy

**Federal Courts  
Employment Law  
Employee Benefits  
Environmental Law  
Immigration Law  
Antitrust**

You will likely be representing businesses, and commercial law disputes rarely fit into narrowly defined categories. This is especially true of bankruptcy practice. Although you may not be able to fit all of these classes in, the broader your understanding of these types of subjects, the more effective you will be.

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## ***Criminal Law***

-- Courtney Lollar

**I**f you are interested in pursuing a career in criminal law, there are three essential classes you should take: **Criminal Procedure**, **Criminal Trial Process**, and **Evidence**. These three classes form the basis for much of what takes place daily in criminal practice, for both the prosecution and defense, and most employers will want to see that you have taken them prior to hiring.

Two other highly recommended classes are **Immigration Law** and some type of hands-on experience-based class, such as the **Legal Clinic**, an **Externship**, **Litigation Skills** or **Civil Pretrial Practice**. Criminal law and immigration law are increasingly overlapping. As of the Supreme Court's ruling in *Padilla v. Kentucky* a few years back, criminal lawyers need to know the immigration consequences of various criminal convictions and sentences. As a result,

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learning immigration law is important for lawyers in criminal practice.

Going into criminal practice with hands-on experience of some type is also tremendously helpful. Several experience-based options are available, all of which would give you the invaluable experience of working with clients, a skill that is beneficial in any type of criminal practice you may decide to pursue. University of Kentucky's **experiential options** include the Legal Clinic, the Department of Public Advocacy externship, an externship with the Fayette County Attorney's Office, the Prosecutorial Externship in the Commonwealth Attorney's Office or County Attorney office, the Prison Externship, the Innocence Project Externship, and the Children's Law Center Externship. Other hands-on options allow for the development of skills essential to every day practice involving litigation. Although Litigation Skills and Pretrial Practice do not involve actual clients and are not necessarily grounded in criminal practice, they provide the opportunity to learn how to navigate a case from start to finish, which is indispensable.

Depending on what type of work you are interested in pursuing – e.g., capital/habeas corpus, juvenile, appellate, federal prosecution or defense – numerous other courses complement the core criminal courses nicely. For those who want to litigate at the federal level, **Federal Criminal Law** is a great class to take. For those interested in juvenile or capital work, **Capital Punishment, Education Law, and Race, Racism and the Criminal Law** are important core classes. **Federal Appellate Advocacy** will benefit those who want to litigate at the trial or appellate level, while **Negotiating Process** provides significant insights for future lawyers who may be involved in negotiating plea agreements (in other words, anyone involved in trial-level criminal litigation). The criminal law seminars are also a great place for in-depth study of various aspects of criminal law and litigation.

### ***Environmental Law***

-- Michael Healy

**T**he law school curriculum offers significant opportunities to develop a strong background in the law of environmental policy, protection, and regulation.

A student interested in pursuing an environmental law practice needs to take the **Environmental Law** survey course as well as **Administrative Law**. It does not matter the order in which these courses are taken, or whether they are taken in the same semester. Each course will have some value in helping your understanding of the other course. A third important course to consider is the **Externship with the Cabinet for Energy and the Environment** in Frankfort. A student who is enrolled in or who has completed the Environmental Law course may work as an extern with attorneys in Frankfort practicing in the areas of environmental, energy and natural resources law. The externship is limited to four students each semester and is intended to provide a valuable introduction to environmental practice.

Other courses offered at the law school should also be seriously considered by students who have an interest in environmental law. These courses include **Natural Resources Law**, which covers the legal rules and processes that govern the human use, management, and protection of nature including the history of resource acquisition and management, current mechanisms for the management, use, and preservation of natural resources, and competing ideas about how and why natural resources should be valued, used, and conserved. Also **Int'l Environmental Law**, a course that develops basic understanding of public international law and the customary and treaty law that addresses global and regional problems of environmental degradation; **Land Use Planning**, a course that focuses on Fifth Amendment takings law in depth; **Legislation**, a course in which you will study the legislative process and the various approaches to interpreting statutes (which at present constitute the principal body of environmental law); **Alternative Dispute Resolution**, a course in which you will consider

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the methods of resolving legal disputes outside of court -- methods that are becoming increasingly important to resolving environmental law disputes; and **Energy and Mineral Law and Policy**, a course in which you will study the law and regulation of energy production and transmission. If you are interested in criminal enforcement of environmental laws, you should also consider elective courses in the areas of criminal law and procedure. You may gain additional insights into environmental law by taking related **seminars**, in which you could select a topic that implicates environmental law, including **International Law, Property Topics and Criminal Law**. In addition to all of these courses, **KJEANRL** provides an important opportunity to research and write about environmental law issues and to read and edit new scholarship in the environmental law area. Students who take advantage of these various curricular and co-curricular opportunities should have a strong background in environmental law by the time of graduation.

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## ***Estate Planning***

-- Richard Ausness  
-- Jennifer Bird-Pollan

**E**state planners perform a multitude of legal functions and may serve a number of different types of clients. Of course, an estate planner may provide services for an individual client, as well as a married couple or family. In addition, a practitioner in this area may act as an attorney for an estate or a trust or may serve as a personal representative of an estate or as a trustee. Among other services, estate planners may provide legal advice to clients, draft legal instruments, probate estates and represent clients in litigation. The advising function may involve financial planning, tax planning, planning for retirement and structuring family owned businesses. Estate planners will also be expected to draft a variety of legal documents such as wills (including those with testamentary trusts), *inter vivos* trust instruments, documents

relating to the formation of Limited Liability Companies, as well as conveyances and leases of real property. Probate work is an important part of any estate planner's practice. This includes obtaining the appointment of a personal representative, filing state and federal tax returns and assisting the personal representative in administering the estate and distributing its assets. Finally, an estate planner may occasionally have to mediate or litigate controversies such as will contests, suits against the estate and disputes with the Internal Revenue Service.

There are a number of courses that a student should consider taking if he or she is interested in practicing in the estate planning area. Essential courses include Trusts & Estates, Estate and Gift Taxation, and Advanced Estate Planning.

**Trusts & Estates** is a foundational course. It covers the probate process, intestate succession, requirements for the execution, modification and revocation of wills, rules relating to both private and charitable trusts, and principles of fiduciary administration for personal representatives and trustees.

**Estate and Gift Tax** is concerned with federal wealth transfer taxes, whether occurring during lifetime or after death. Among other things, students who take this course will gain experience with statutory interpretation and applying statutes to problems and fact patterns. They will also consider how to balance the goal of minimizing tax liability with other goals, such as meeting the financial needs of survivors, providing for the management of property for minors and incompetent persons and reducing the costs of probate and estate administration. Taxation I and Trusts & Estates are strongly recommended before taking this course.

**Advanced Estate Planning** is a skills oriented course. Problems will be distributed to the class involving detailed factual situations. Students will be expected to draft wills, trusts and other legal documents. Role playing will be used to simulate realistic situations. Emphasis will be placed on interviewing, communicating with

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clients, ethical considerations, financial planning and drafting skills. Students will be exposed to such sophisticated estate planning tools as revocable trusts, trusts using unified credit exemptions for both spouses, charitable remainder trusts prenuptial agreements post nuptial agreements and qualified pension plans. Estate and gift Taxation and Trusts & Estates are prerequisites for this course.

Other useful courses include: **Tax I**, **Partnership Tax**, **Family Law**, **Nonprofit Organizations**, and **Business Associations**.

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### *Family Law*

-- Louise Graham

**F**amily Law consists of two primary areas: disputes between adults, which can include both financial arguments and those over access to and responsibility for children, and disputes between the state and adults over the care and control of minor children, for example, dependency, neglect and abuse or termination of parental rights actions. Thus the basic courses in **Family Law** and **Children and the Law** introduce a law student to these areas.

Although financial disputes are not limited to married couples, they form a significant part of divorce practice. In Kentucky, courts are required to determine the nature of property owned by the parties (whether it is marital or nonmarital) and then to divide the marital property between the parties. This aspect of divorce means that financial literacy is a critical component of divorce practice. If attorneys have clients with significant assets, they will have to know how to value those assets correctly. Both **Legal Accounting** and **Corporate Finance Law** are helpful courses that teach underlying principles needed for this activity. If attorneys have clients with significant debt, there are still problems that must be faced. **Bankruptcy** is an extremely helpful course for those practicing divorce law.

Because the family is a constitutionally significant unit, it also helps to take **Constitutional Law II**. Some areas of family law are really about the constitutional rights of the parties involved. For example, paternity cases have long raised questions about the constitutional rights of unwed fathers. Termination of parental rights cases involved questions about state power to remove children from their birth parents. A working knowledge of individual constitutional rights is important in these cases.

Most of the practice of family law occurs in motion hour. Students who have had practice in public speaking — whether gained through **Litigation Skills** or other similar simulation courses or through actual **Clinical representation of live clients** -- will find that prior experience very helpful. This is not to say that actual trial work does not occur, but litigation is not as frequent as motion practice.

In addition, many cases are settled through mediation and/or negotiation, so those skills are also helpful to students.

Students who have an interest in representing children as Guardians *ad litem* (GAL) should expect to be required to have additional post law school training beyond taking law school courses such as Family Law and Children and the Law. Training requirements are likely to be set by the Administration Office of the Courts and the Cabinet for Health and Human Services. Family Courts in Kentucky generally require both additional training and experience before admission to a GAL list for children's representation.

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## ***Health Care Law***

-- Nicole Huberfeld

**H**ealthcare law is a fascinating topic to study in law school because it is a “renaissance” subject. Whether students are interested in practicing transactional and regulatory health law, or learning about more theoretical and bioethical issues, or simply seeking to expand their legal learning experience, health law will not disappoint. It is an area that encourages students to draw on and synthesize every building block of legal education, including constitutional law, torts, contracts, property, corporate law, and administrative law. To lay the best groundwork, students are strongly encouraged to enroll in **Business Associations, Administrative Law, and Constitutional Law II**.

Students can enroll in a variety of classes that will help to build a foundation in health law and to develop special areas of focus. Both of the health law survey courses (**Healthcare Organizations and Finance**, and **Bioethical Issues in the Law**) should be taken; note that the two surveys stand alone and have no prerequisites. Students must take either **Healthcare Organizations and Finance** or **Bioethical Issues in the Law** in order to take the seminar entitled **Healthcare Law and Policy Seminar**. This seminar provides an opportunity for students to complete the substantial writing requirement by studying a topic in health law with some vigor. Students can also enroll in **Medical Liability**, which covers theories of legal liability for healthcare providers generally and, more specifically, medical malpractice in Kentucky.

Other relevant courses include **Advanced Torts**, which covers products liability, an area of increasing importance to larger healthcare industry players like pharmaceutical companies; **Legislation**, which covers the legislative process and the various approaches to interpreting statutes (statutes and regulations form the core body of healthcare law); and **Partnership** and

**Corporate Tax**, which cover tax issues that shape corporate structures for many healthcare providers (particularly physicians and nonprofit, tax-exempt entities). Students interested in criminal enforcement of healthcare fraud should also consider elective courses such as **Criminal Procedure, Federal Criminal Law**, and **Antitrust Law**.

Practice experience is readily available through the **UK Healthcare Office of Risk Management Externship**, which allows students the opportunity to work in the General Counsel’s office for the University Hospital. Experience with legal aspects of health care delivery is also available in the **Child Advocacy Today Externship**, which operates at the UK Children’s Hospital; and the **Institute for Compassion in Justice Externship**, which litigates the rights of children in many areas of the law. The **UK Office of Legal Counsel Externship** also offers health care law experience.

Finally, students interested in health administration should explore the **joint JD-MHA program** with the UK College of Public Health. Details are available on our web page.

*Nicole Huberfeld was Associate Dean and Professor of Law at the College of Law until 2017, and is Professor of Law and Professor of Public Health at Boston University.*

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## ***Intellectual Property***

-- Brian Frye

**S**o, you want to be an intellectual property lawyer? The first question to ask yourself is what kind of intellectual property practice you want to pursue.

There are four primary kinds of intellectual property: patents, copyrights, trademarks, and trade secrets. Each kind of intellectual property is governed by a separate and distinct body of law. In addition, there are several different practice areas that address intellectual property issues.

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For example, patents are important in all STEM-related industries, including computers, pharmaceuticals, and manufacturing. Copyrights are important in all industries involving creative works of any kind, including publishing, motion pictures, music, and computer software. Trademarks are important to branding in all fields of business. Trade secrets are important to companies that use proprietary information that cannot effectively be protected by other forms of intellectual property.

Patent law includes two practice areas: patent prosecution and patent litigation. Patent prosecution is the representation of patent applicants before the Patent and Trademark Office, which determines the validity of patent applications. In order to prosecute patents, you must have a science or engineering background and pass the patent bar. In order to litigate patents, neither the patent bar nor a science or engineering background is strictly necessary, but it helps. By contrast, there are no special requirements for copyright, trademark, and trade secret practice.

The University of Kentucky College of Law offers several intellectual property courses, and several courses in related subjects. Intellectual property practice is broad, including not only securing and defending intellectual property rights, but also forming and enforcing agreements relating to those rights. Depending on your interests, you might consider the following courses:

- Intellectual Property
- Copyright Law
- Patent Law
- Internet Law
- Business Associations
- Business Planning
- Antitrust Law
- Healthcare Organizations and Finance
- Law and Economics

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## *International Law*

-- Mark Kightlinger

**I**nternational law has a public component, which deals with legal relationships between nation states, and a private component, which deals with transborder relationships between private persons, including companies and individuals. The **International Law** course provides an introduction to public international law and discusses how that body of law fits into the U.S. legal system. Any student who has an interest in international law should take this course, because it provides a strong foundation in the basic principles governing the field. For students who wish to examine an area of public international law in greater depth, we offer **International Environmental Law** and **International Trade Law**. The former examines the body of law addressing international pollution control, including efforts to combat global warming, and international resource management. The latter course focuses on the World Trade Organization and the intricate legal regime that has developed to regulate trade disputes between and among nations. Students who seek a capstone experience in international law should consider taking the **International Law Seminar**, which allows participants to study and write about an issue in public international law that interests them. Enrollment in the seminar is available only to students who have taken at least one of the three courses described above.

Students who expect to practice business law or engage in transactional work with an international dimension should consider enrolling in **International Business Transactions**. This course provides an opportunity to study the regime that governs a rapidly expanding area of commercial activity, namely sales between private parties across international borders. As a supplement to **International Business Transactions**, a student should take **International Taxation**. This course examines the federal income tax implications of investments and business

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activities that foreign persons undertake in the United States and that U.S. persons undertake outside the United States.

Students interested in the institutions that make and administer international law may wish to take, on a pass-fail basis, **Political Science 737, Global Governance: Transnational Organizations and Processes**. This course examines different approaches to the study of international, transnational and regional political and economic organizations and processes within the context of world politics. A prerequisite for this course is successful completion of one of the following law courses: International Law, International Trade Law, or International Environmental Law.

Students who wish to combine their study of international law with an in-depth study of international relations should consider applying for admission to the **JD/MA dual degree** program that the College of Law offers in conjunction with the University of Kentucky's Patterson School of Diplomacy and International Commerce. This program helps students to prepare for careers in international law (public or private), international business, government service in the international sector, international development, and national security and intelligence. This is one of very few such programs in the country. To earn the JD/MA dual degree, a student must satisfy the requirements of both the Patterson School and the College of Law.

Finally, in addition to taking courses in international law and related subjects, students may pursue their interests in international law in written work that they complete for the **Kentucky Law Journal** or the **Kentucky Journal of Environmental, Agriculture, and Natural Resources Law**.

## Litigation

-- Allison Connelly

**L**itigation is all about lawsuits. Litigation is the *process* of resolving civil disputes or criminal charges through negotiations or plea agreements, or through trials before judges, juries, administrative panels and arbitrators. A litigator is the “trial attorney” who represents clients involved in the civil or criminal litigation process; the attorney who initiates or defends a client throughout the court process. The litigation *process* requires a combination of both substantive legal knowledge in a particular field of law (civil or criminal) and the full range of both pretrial and trial practice skills. Litigators are typically skilled in the following: conducting fact investigations, demonstrating a command of the case facts and law that governs those facts, drafting a variety of pleadings, motions and responses, conducting discovery and pre-trial depositions, settling cases through mediation, negotiation and arbitration, and preparing for trial. If the case goes to trial, the litigator must be skilled in trial procedure and the mechanics of picking a jury, conducting a direct and cross-examination, and performing a persuasive opening statement and closing argument.

**Evidence and Legal Research and Writing** are the foundational courses for any litigator. As someone said, “a case is only as strong as its evidence.” Likewise, a litigator must possess excellent research and analytical skills. It takes knowledge of precedent and the ability to find that precedent to analyze the probable outcome of a case. Students should also take a combination of skills courses and substantive courses in the particular area of law in which they wish to practice. Aspiring litigators should take skills courses that emphasize learning by doing such as **Alternative Dispute Resolution, Negotiation, Legal Clinic, Civil Pretrial Practice, Criminal Trial Process, Litigation Skills, Externships** and **Federal Appellate Advocacy**. As a prosecutor or criminal defense attorney, students also need to have a firm substantive grasp of **Criminal Procedure**,



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**Criminal Trial Process, Race, Racism and the Criminal Law, and Federal Criminal Law.** Helpful courses for students with an interest in civil litigation include **Administrative Law, Federal Courts, Insurance, Remedies** and other specialized courses.

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### ***Real Estate Law***

- Stephen Clowney

**R** eal estate law involves every aspect of commercial and residential transactions and investments. Real estate lawyers provide their clients with advice on the purchase and sale of property, financing regulations, drafting contracts, property management, environmental compliance, and litigation relating to these areas. They also help their clients understand the local land use restrictions (zoning, subdivision, historic preservation, etc.) that impact real estate projects. More specifically, lawyers who specialize in real estate transactions spend much of their time drafting and reviewing documents, counseling clients and risk mitigation strategies, and negotiating terms for the transactions on which they are working.

Employment opportunities for real estate lawyers are varied. Most lawyers who handle residential real estate transactions work in smaller firms or solo practice. In contrast, specialists in commercial real estate transactions often find jobs in the real estate departments of large firms. Still other real estate lawyers work for corporations, real estate development companies, financial institutions, title companies, or in the building and zoning departments of local governments.

The two most fundamental classes to take to prepare for a career in real estate are **Real Estate Transactions** and **Federal Income Tax**. Other core courses include **Business Associations, Land Use Planning,**

**Negotiations, Remedies, Secured Transactions, Environmental Law, and Bankruptcy.** Finally, basic financial literacy and a broad business law foundation can be extremely helpful in understanding the needs of clients. Students interested in a career in real estate may want to consider enrolling in an accounting course or pursuing an introductory finance class through the business school.

*Stephen Clowney was a Professor of Law at the College of Law until 2014, and is now a Professor at the University of Arkansas – Fayetteville.*

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### ***Solo Practice***

-- Patrick Nash

**T** here are significant advantages to being a solo or small firm practitioner. Chief among them are independence and flexibility. As a solo or small firm practitioner you call the shots; you decide what cases to take or reject; you decide what hours to work; you decide how many hours to work. You will have the flexibility to tailor your practice to your lifestyle as you see fit. There are, of course, some trade-offs. It is very difficult for solo or small firm practitioners to take on complex and/or protracted litigation, especially if the legal fees for such litigation are not paid until the conclusion of the case. And, there is almost no way for a solo or small firm practitioner to offer a comprehensive range of legal services. Instead, the solo or small firm practitioner must usually concentrate their practice in a few areas that involve relatively short-term cases with fees paid up-front, or as the work progresses. Most often, small firms and solo practitioners handle: criminal defense, family law, probate, and perhaps some modest amount of civil plaintiff's work.

Criminal defense comprises a large part of the business of most small firms or solo practitioners. You should therefore consider completing as many of the following as possible: criminal procedure, criminal trial process,

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advanced criminal law, federal criminal law, immigration law, capital punishment, and Professor Welling's seminar on criminal law and procedure issues. Externships in the area of criminal law are highly recommended such as the DPA externship, the Innocence Project externship, immigration law externship, or the Fayette County attorney externship.

To sharpen your skills in the area of family law you should consider Professor Graham's family law class, children and the law, the seminar "regulation of the modern family," the externship with the children's Law Center and the child advocacy today externship.

Probate Court training can be obtained by completing classes in trusts and estates, estate and gift tax, and advanced estate planning.

In order to prepare for the occasional plaintiff's civil case, it might be important to consider classes on civil pretrial practice and procedure, economic and dignitary torts, depositions, insurance, negotiating process, and alternative dispute resolution.

Finally, there are several classes that will be very valuable for the solo and small firm practitioner in properly managing their own business: business planning, employee benefits law, employment law, legal accounting, partnership tax, state and local tax, and the seminar on the legal profession.

Good luck to all you independent-minded students!

*Mr. Nash is a partner in Nash Marshall PLLC in Lexington, Kentucky, and a 1991 graduate of the College of Law.*

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### ***Tax Law***

-- Jennifer Bird-Pollan

**T**here are a number of courses that a student should consider taking if he or she is interested in practicing in the Tax area. Tax practice can come in a variety of forms, and tax lawyers work in small and large firms, solo practices, and for the government. Tax lawyers can be trial attorneys, if they choose to practice in the area of tax controversy, representing either the Internal Revenue Service (IRS) or taxpayers in conflicts. Many tax lawyers work in tax planning, helping taxpayers (either business entities or individuals) structure their activities in a way that minimizes their tax liabilities. In larger firms, tax lawyers will specialize, giving advice primarily to real estate firms, corporations, or investment partnerships. These lawyers become specialists in particular areas of the tax code, and typically work in larger cities. Tax lawyers in smaller markets are more likely to have a broader practice covering a variety of taxpayers and scenarios. Tax lawyers might also specialize in state and local tax (as opposed to federal tax), international tax (advising as to the U.S. tax consequences of international transactions) or employee benefits (looking at the tax consequences of employee health or retirement plans or executive compensation). Finally, a solo practitioner might expect to have a small tax practice as part of a general practice, doing minor controversy work or advising on tax planning matters for small businesses. Many law students who decide to practice in the tax area decide to enroll in an LL.M. program, either right after finishing their J.D. degree, or after a few years of law practice. An internship at the IRS, or a clerkship on the U.S. tax court are other excellent introductions to tax practice.

For specific recommendations related to the practice of estate and gift taxation, see the course recommendations for Estate Planning.

**Tax I** deals with the fundamental principles of the income tax applied to both individual and corporate taxpayers. The subject matter can be divided into five broad categories: identification and computation of gross income; business and personal deductions; identification of the proper

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taxpayer with respect to income and deductions; determination of the proper years for including items in income or claiming deductions; and capital gains taxation. On a second level, throughout the course great attention is devoted to the legal process: the interrelationship and relative weight of statutes – the Internal Revenue Code – Regulations promulgated by the Department of the Treasury, and case law.

**Partnership Tax** focuses primarily on the tax concerns of small businesses organized in the partnership form. Its structure and content is designed to provide the general tax background that any lawyer, whether a general practitioner in a small city or a corporate lawyer in a large city, needs in order adequately to advise clients whether to form a partnership to conduct a business and how to draft the various documents, such as the partnership agreement or buy-sell agreements, in order to secure the most favorable tax treatment. Specific topics covered with respect to both partnerships include formation of the organization, taxation of operating income and distributions of profits to partners, sales of interests back to the entity (liquidation of partnership interests), liquidation of the corporation or partnership entity, and selected topics regarding sales of partnership interests. The course also includes an introduction to corporate taxation. Because the structure and many specific contractual provisions of many corporate transactions and real estate investment arrangements (which are most often organized as partnerships) are very strongly influenced by tax considerations this is a vital course for anyone planning to practice "corporate" or "real estate" law and a necessary course for anyone involved in a "general practice" involving a significant number of "business" clients.

**Corporate Tax** builds on Partnership Tax, but it is *not* a prerequisite. This course focuses primarily on corporations and S-Corporations. It is an essential course for anyone planning to practice corporate law.

Depending on a student's particular interests, they may consider these other useful courses:

- Administrative Law
- Bankruptcy
- Business Associations
- Corporation Finance Law
- Employee Benefits law
- Family Law
- Int'l Business Transactions
- Int'l Tax
- Legal Accounting
- Nonprofit Organizations
- Real Estate Transactions
- State and Local Tax Law
- Seminar: Taxation of Nonprofit Enterprises
- Seminar: Tax Policy.