SYLLABUS

1. Getting Started

This is an online course. To get started, you’ll need to log on to the University’s Learning Management System.

1. Start here: online.siu.edu
2. From the login page, enter your ID and password. You’ll need your SIU Network ID (SIU85XXXXXXXX) and password. If you don’t know your password, contact the IT helpdesk at 618-453-5155 for assistance.
3. You’ll see your D2L (SIU Online) Home Page.
7. Locate your course under the “My Courses” section (below the News section).
8. Click on link to your course, which is LAW-609-002 - Current Devs in American Law
9. Look in the center of the page under the grey heading “News.” You’ll see a message titled “Welcome Students!,” where you will find an introductory video and directions on how to download the syllabus and other course content.

Help with the course content: mschultz@siu.edu

2. Communication

Office: Room 222
E-mail: mschultz@siu.edu
Voice: 618-713-7056 (this is my personal mobile phone number, so please text or call at reasonable hours only)

On-Site Office Hours: Tuesday, 2:00 – 4:00. I make a special effort to keep my schedule open and to be present for walk-ins during office hours (but it’s not always possible). Feel free to try me in the afternoons generally, but if my scheduled office hours do not work for you, then it is likely best to call or e-mail to set up a mutually convenient appointment.

E-Mail: I will be happy to respond to questions sent via e-mail. Please put the words “TRADE SECRET CLASS” in the subject of your e-mail. I get lots of e-mail, and I set my filters to prioritize such emails, so doing this will make it much more likely that I will read and respond to your e-mail promptly.

3. Required Text and Reading Assignments

The reading list is posted on the course site, as will be all readings. There is no text for purchase in this class.
There is no casebook for this class. In lieu of a casebook, all reading assignments are available for download from the class website. You are responsible for downloading and reading all assigned material.

I recommend that you review the materials before reviewing the recorded lecture.

As in life as in law school, there are always trade-offs. You will notice that the opinions are unedited and unabridged. Thus, you are spared the necessity of purchasing a casebook, but you are not presented neat-and-tidy selections from opinions that are relevant to the particular legal issue we are discussing in class that day. In sum, you must start to practice the daily work of being an attorney, which means reading entire opinions in one’s legal research and culling from the opinions the particular factual and legal material relevant to the client’s dispute.

If a reading is designated as “skim,” then this means that you should read it for basic understanding, and not with the usual analytical scrutiny and note taking employed in the regular reading assignments.

4. **Assessment**

a. End of module quizzes: 15% of final grade. There will be a quiz at the end of each module (or sometimes after a couple of modules -- usually the equivalent of about one week’s work.) Each of these is a short, multiple choice quiz.

b. Three exams. 69% of final grade. There will be an exam every 4 weeks in the class. Each will be worth 23% of your grade.

c. Non-disclosure agreement drafting exercise. 16% Near the end of the semester, you will draft and negotiate a basic and brief (about 2-3 pages) non-disclosure and non-compete agreement. (I will provide the basic form agreements). This will be a small group project, and you will be given ample time to complete it, although I do not expect it to be extremely time-consuming. You will do this over email and teleconference.

5. **Course Description and Learning Objectives**

The three primary legal mechanisms for securing property rights in commercially valuable information are trade secrets, patents, and copyrights. Of the three, trade secrecy is the least discussed and studied, but, ironically the one most relied upon by businesses, particularly small and medium sized enterprises. It is, however, growing in importance as a legal policy issue, as business and governments begin to realize the importance of trade secrets and have come to fear systematic, wide-spread industrial espionage sponsored by foreign governments (e.g., the Chinese government).

This course will study the ways in which trade secrets are created, used, maintained, and ultimately enforced against infringers. It will cover the two sources of trade secrecy in state law—the common law and statutes—as well as the relationship between these state law regimes and the overlapping protections provided by federal intellectual property law.

Students who take this class should obtain:
• a working knowledge of trade secrets doctrine;
• a working knowledge of the law related to employee confidentiality obligation and non-competition agreements;
• an understanding of the policies and economics that justify the legal protection of valuable confidential information;
• the skill to identify the relevant legal and business issues related to trade secrets in a typical business transaction;
• the skill to draft and negotiate a basic non-disclosure agreement or confidentiality clause in a larger agreement;
• the skill to research and draft memos to lawyer and non-lawyer clients analyzing trade secret issues.

6. Keeping up with the class / Absences / Failure to Complete Work

This is an asynchronous online course, so the school’s absence policy does not apply. However, it is essential that you not fall behind in a class like this. Failure to complete work without excuse will result in withdrawal from the class.

Unless you have an extraordinary excuse, I will not provide a makeup opportunity for any missed assignment.

At my discretion, and in consultation with the Associate Dean, I may at my discretion and/or as required by law and school policy make exceptions to the foregoing to accommodate disabilities or other extraordinary circumstances, including, but not limited to illness or death in the family.

7. Standard Statements

WORK EXPECTATIONS

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a 3-credit hour class. My expectation is that the sum total of recorded lectures, live sessions, participation in the negotiation exercise, time spent preparing for and taking quizzes and tests (as formative assessments), and time spent reading and preparing for class will total 126 hours, or about 9 hours a week.

EMERGENCY PROCEDURE LANGUAGE: The University requires instructors to provide their students with specific language relating to emergency procedures:

Emergency Procedures. Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility. Please remember either to insert this language in your syllabus, distribute a handout with the language to your students on the first day of class, or post the notice in a document on your TWEN page. (Of course, you may do all three if you wish.)

If you have any questions about emergency procedures, please contact Tom Furby (tfurby@siu.edu).

DISABILITY POLICY

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements.
http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

SALUKI CARES.

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

8. Summary Schedule (See online for details)

Introduction
Unit becomes available 1/17
Complete introductory quiz and biographical post by 2/2 at midnight
Capstone Online Discussion 2/3 at 1:30pm (60 minutes)

Unit I: Defining Trade Secrets
Unit becomes available: 2/1
Test becomes available: 2/16
Capstone Online Discussion 2/24 at 1:30pm (60 minutes)
Test and all Unit I Quizzes must be completed: 3/1 11:59:59pm

Unit II: Defining Wrongful Acts and Defenses
Unit becomes available: 3/1
Test becomes available: 3/18
Capstone Online Discussion 3/24 at 1:30pm (60 minutes)
Test and all Unit II Quizzes must be completed: 4/1 11:59:59pm

Unit III: Remedies & Contracts; the New Federal Defend Trade Secrets Act
Unit becomes available: 4/1
Test becomes available: 4/14
Capstone Online Discussion 4/28 at 1:30pm (60 minutes)
Test and all Unit III Quizzes must be completed: 5/6 11:59:59pm

Non-Disclosure Agreement Exercise Schedule
3/25 – Problem and materials provided
4/11 – Exchange negotiating drafts via e-mail
4/15 – 4/24 - Respond to negotiating draft
4/25 – 5/1 – Negotiation teleconferences (to be scheduled at a time mutually convenient to groups and professor)