

LAW SCHOOL

ADMINISTRATION

Russell K. Osgood, dean of the law faculty and professor of law

Robert A. Hillman, associate dean for academic affairs and professor of law

Claire M. Germain, law librarian and professor of law

Anne Lukingbeal, associate dean and dean of students

Harry B. Ash, assistant dean for development and public affairs

Charles D. Cramton, assistant dean for alumni/international affairs

Richard D. Geiger, assistant dean and dean of admissions

Richard F. Robinson, assistant dean for administration and finance

Neimeth, Albert C., associate dean of alumni affairs emeritus

Nan A. Colvin, registrar

LAW SCHOOL

The primary function of the Law School is to prepare attorneys for both public and private practice who will render the highest quality of ethical and professional service to their clients and who will further legal progress and reform. The curriculum is designed to prepare students for admission to the bar in all American states and territories.

Ordinarily, a student who is admitted to the Law School must have a baccalaureate degree from an approved college or university. The course of study leading to the degree of Doctor of Law (J.D.) covers three academic years. Students may be admitted to a program of study leading to the degree of Doctor of Law "with specialization in international legal affairs." The Law School also offers to a limited number of students an opportunity to earn both a J.D. degree and an LL.M. degree in international and comparative law.

There are combined graduate degree programs with the Johnson Graduate School of Management, the Department of City and Regional Planning of the College of Architecture, Art, and Planning, the School of Industrial and Labor Relations, the graduate divisions in economics, history, and philosophy of the College of Arts and Sciences, and the Université de Paris I (Pantheon-Sorbonne), as well as a special opportunity for highly qualified undergraduates in the College of Arts and Sciences to register in the Law School during their senior year.

Each year the graduate program of the Cornell Law School admits a limited number of students, generally all from abroad. The LL.M. degree (Master of Laws, Legum Magister) and the J.S.D. degree (Doctor of the Science of Law, Jurisprudentiae Scientiae Doctor) are conferred. A small number of law graduates may also be admitted as special students, to

pursue advanced legal studies without seeking a degree.

For further information, refer to the Law School catalog, which may be obtained from the Office of the Registrar, Myron Taylor Hall.

FIRST-YEAR COURSES

LAW 500 Civil Procedure

Fall and spring. 6 credits. K. M. Clermont, B. J. Holden-Smith, R. B. Kent, J. Leubsdorf, J. J. Rachlinski, F. F. Rossi.

An introduction to civil litigation, from commencement of an action through disposition on appeal, studied in the context of the federal procedural system. Also, a detailed consideration of federalism and ascertainment of applicable law; jurisdiction, process, and venue; and former adjudication.

LAW 502 Constitutional Law

Fall. 4 credits. S. L. Johnson, R. K. Osgood, G. J. Simson.

A study of basic American constitutional law, including judicial review, some structural aspects of the Constitution as developed particularly in light of the passage of the Civil War Amendments, and certain of its rights provisions.

LAW 504 Contracts

Fall and spring. 5 credits. R. A. Hillman, R. S. Summers.

An introduction to the nature, functions, and processes of exchange, contract, and contract law. The course focuses on the predominant rules and principles governing contract and related obligation, including the substantive reasons underlying the rules and principles.

LAW 506 Criminal Law

Spring. 3 credits. S. D. Clymer, J. A. Siliciano.

An introductory study of the criminal law, including theories of punishment, analysis of the elements of criminal liability and available defenses, and consideration of specific crimes as defined by statute and the common law.

LAW 507 Legal Process

Spring. 3 credits. S. P. Garvey, D. A. Nance.

An introduction to the theoretical underpinnings of the practical and perennial questions of what constitutes law, how it is to be interpreted once ascertained, what moral and political principles or visions it presupposes, and how its aspirations and purposes on the one hand relate to its formal dimension or literal shape on the other.

LAW 508 Practice Training I

Fall. 1 credit. P. G. Court, S. E. Childs, J. J. Hasko, J. M. Wenger.

An introduction to legal research, including finding statutes, court decisions, and administrative materials relevant to a legal issue or problem, using both print and electronic media. The course examines information sources that organize, index, and explain the law.

LAW 509 Practice Training II

Spring. 2 credits.

The preparation of materials of law practice, including the drafting of opinion letters, memoranda of law, and a brief. The functions and techniques of oral and written argument.

LAW 512 Property

Spring. 4 credits. G. S. Alexander, P. W. Martin.

An investigation of the law's protection of ownership, including the beginnings of property, legal and equitable estates, concurrent ownership, and public and private regulation of land use.

LAW 515 Torts

Fall. 4 credits. J. J. Barcelo III, J. A. Henderson, Jr., S. J. Schwab.

An introduction to the principles of civil liability in the tort field: intentional wrongs, negligence, and strict liability. Attention is also given to the processes by which tort disputes are handled in our legal system.

UPPERCLASS ELECTIVES

LAW 602 Administrative Law

Fall or spring. 3 credits. C. R. Farina, J. J. Rachlinski.

The powers, methods, roles, and procedures of public officials and bureaucracies. The lawmaking, law-application, and law-enforcement processes of independent regulatory and executive agencies; their place in constitutional government; and their control by judicial and other means.

[LAW Admiralty

2 credits. Not offered 1996-97.

The law applicable to the maritime shipping industry. The jurisdiction of the admiralty courts of the United States: death and injury of the various classes of maritime workers; maritime liens; the carriage of goods by general and by chartered ships; the principles of liability and its limitation that are peculiar to the admiralty law; salvage and general average; marine insurance; oil spills and marine pollution; and the principles governing collision.]

[LAW Advanced Civil Procedure

3 credits. Not offered 1996-97.

A study of complex civil litigation involving multiple parties and multiple claims. Topics include joinder of parties and claims, impleader, interpleader, class actions, and intervention. There will be consideration of case management, the Civil Justice Reform Act of 1990, multidistrict transfers in the federal courts, and the use of alternative procedures for disposition of cases.]

LAW 608 American Indian Law

Spring. 2 credits. Recommended prerequisite: Administrative Law and Public International Law. J. Tahsuda.

An examination of the primary themes and materials of the federal law concerning Native American tribes and individuals. The course devotes considerable attention to the historical

development of law and policy in that area and to the present division of authority over Indian country among federal, state, and tribal governments.

LAW 609 Antitrust Law

Spring. 3 credits. G. A. Hay.
A consideration of the basic antitrust rules enacted by Congress and amplified by the courts to protect competitive markets and limit the exercise of monopoly power. Price fixing, boycotts, and market allocation agreements among competitors; agreements between suppliers and customers; joint ventures; attempts to monopolize and monopolization; price discrimination; and mergers.

[LAW Banking Law and Regulation

3 credits. Not offered 1996-97.
The course begins by defining the roles that banks and other financial intermediaries play in the economy. It considers the claim that a specialized set of regulations governing the activities of financial intermediaries is justified by the special role banks occupy in society. In that context a variety of theoretical arguments about banking regulation are considered. The course then examines each of the major laws that govern banking activities against the background of the various regulatory theories discussed. Topics to be addressed include entry restrictions, growth and expansion of bank activities, regulation of the business of banking, expansion through the bank holding-company structure, branch banking, interstate banking, and regulation of failing or failed banks.]

LAW 614 Business Combinations

Spring. 2 credits. J. J. Hanks, Jr.
This course examines the principal business, legal and accounting issues in the purchase and sale of privately and publicly held businesses. Emphasis is placed on the negotiation, structuring, financing, and documentation of the most common type of combining transaction—the acquisition of assets of a privately held company. Among the legal issues considered are directors' duties, successor liability, securities regulation, tax, and antitrust. Additional issues surrounding acquisitions of publicly held companies (including hostile takeovers) are studied principally for comparison. The responsibilities of transactional lawyers to persons other than their clients are also assayed.

[LAW Civil Rights Legislation

3 credits. Not offered 1996-97.
Explores in depth the history and current status of federal civil rights legislation. The course focuses on 42 U.S.C. §1983, the dominant vehicle for vindication of constitutional rights in civil cases, and on Title VII of the Civil Rights Act of 1964, the principal federal statute covering employment discrimination.]

LAW 616 Commercial Law

Spring. 3 credits. R. A. Hillman.
Examines a variety of commercial dealings and focuses on Articles 2 and 3 of the Uniform Commercial Code, with some coverage of other Articles and the Convention on Contracts for the International Sale of Goods. The course is designed to give students an understanding of commercial statutes and to inform them about many of the underlying commercial transactions to which the law relates.

LAW 618 Comparative Law

Fall. 2 credits. Prerequisite: Basic common law. B. A. Rudden.
The course tackles first the sources, structures, and assumptions common to the legal systems of continental Europe, Latin America, and some countries of the Far East, and then examines the enduring divisions of their private law. Particular examples are then studied: they may be grouped under a topic (e.g., the liability of the post office or the problem of the injured rescuer) or by country (e.g., French contract law, and Roman and German tort law). The course aims to demonstrate the utility of the comparative method by encouraging students to rethink their own law in the light of other approaches. This enables students to see how problems may sometimes be solved by breaking the categories in which they are embedded in a given system, and thus to gain a better understanding of the reasons for the rules.

LAW 619 Conflict of Laws

Fall. 3 credits. R. B. Kent.
A study of the methods used by courts to decide the applicable law in cases that, in their parties or events, involve more than one state or country. Attention to the due-process limitations on jurisdiction, an American state's obligation under the full-faith-and-credit clause to respect sister-state judgments, and conflicts between federal and state law.

LAW 620 Constitutional Law II: The First Amendment

Spring. 3 credits. S. H. Shiffrin.
A comprehensive discussion of freedom of speech, press, and association. The free-exercise-of-religion clause and the establishment clause of the First Amendment are treated less extensively.

LAW 622 Constitutional Remedies

Fall. 2 credits. Prerequisite: Not available to students who have taken Civil Rights Legislation. T. Eisenberg.
Explores in depth the history and current status of federal civil rights legislation. The course focuses on 42 U.S.C. §1983, the dominant vehicle for vindication of constitutional rights in civil cases.

[LAW Consumer Law

3 credits. Not offered 1996-97.
The principal subject areas are consumer sales and consumer credit transactions and their judicial, legislative, administrative, and extralegal regulation.]

LAW 623 Copyright and Digital Works

Fall and spring. 3 credits. Prerequisite: A prior course covering the basic elements of copyright law or completion of a set of assigned readings covering those topics in advance of the beginning of the course. P. W. Martin.
The application of copyright law's basic elements or concepts — coverage, protected rights, infringement and fair use — along with associated remedies issues, to creative works encoded in digital form. The course will explore the major copyright issues posed by such categories of digital works as: software, databases containing factual and other public domain content, multi-media materials, computer generated or assisted works, and audio recordings containing digital sampling. In addition the course will review the recent "White Paper" on "Intellectual Property and the National Information Infrastructure" and subsequent legislative proposals as a means of

focusing on the Internet's implications for both domestic and international copyright regimes.

[LAW Corporate Reorganization

2 credits. Not offered 1996-97.
The course explores the process of reorganization as practiced under Chapter 11 of the Bankruptcy Code. Topics include the purpose of reorganization, out-of-court workouts, procedure under Chapter 11, operating a business in bankruptcy, plans and confirmation, and postconfirmation issues. Prior or concurrent enrollment in Bankruptcy or Debtor-Creditor Law is helpful but not required.]

LAW 624 Corporations

Fall or spring. 4 credits. J. A. Fanto, J. R. Macey.
An introduction to modern American business corporation law. Topics include corporate organization and defective incorporation, the corporation as a legal entity, corporate control and management, state and federal rules governing the solicitation of proxies, fiduciary duties of directors and controlling shareholders under state law, and antifraud and insider-trading provision under the federal securities laws.

LAW 625 Corruption Control

Spring. 2 credits. R. C. Goldstock.
This course examines the factors which facilitate and inhibit public or private corruption control and analyze the wide variety of criminal, civil and nontraditional approaches designed to promote governmental and commercial integrity.

LAW 626 Criminal Procedure

Fall. 3 credits. S. P. Garvey.
This course surveys the law of criminal procedure, with emphasis on the constitutional constraints that regulate the pretrial stage of the criminal process. More specifically, the course focuses on the law of search and seizure, interrogations and confessions, pretrial identification, and on the right to counsel during the pretrial stage.

LAW 627 Current Topics at the Crossroads of Law and Finance [also NBA 551]

Spring. 3 credits. J. R. Macey, M. O'Hara.
Financial institutions of all kinds, whether they are formally known as insurance companies, banks, investment banks, mutual funds, or pension funds, invest money on behalf of clients in a wide variety of investment vehicles. This course will look at the way that these financial institutions are treated from both a legal and an economic perspective. Emphasis will be placed on the intersections between modern financial theory and legal analysis. Topics to be covered include insurance, bank regulation and reform, securities markets, investment banking, and pensions.

LAW 628 Debtor-Creditor Game

Spring. 3 credits. Prerequisite: Prior enrollment in Secured Transactions or Debtor-Creditor Law or concurrent enrollment in one of those courses and permission of the instructor. L. M. LoPucki.
Advanced debtor-creditor law including Chapter 11 of the Bankruptcy Code, bankruptcy procedure, negotiation techniques, and case strategy.

LAW 629 Debtor-Creditor Law

Fall. 3 credits. Recommended prerequisite: Prior or concurrent enrollment in Secured Transactions. L. M. LoPucki.

Selected topics in the law of bankruptcy. An overview of the various bankruptcy chapters and a detailed study of the bankruptcy provisions of most general applicability. The relationship between the rights of an Article 9—secured creditor and the bankruptcy trustee—power to avoid liens. Related topics in the enforcement of money judgments and the law of fraudulent conveyances.

LAW 630 Directed Reading

Fall or spring. 1 or 2 credits. A two-hour directed reading may also fulfill the second writing requirement. Arrange directly with instructor. See Cornell Law School Catalog.

An examination of a topic through readings selected by arrangement between the instructor and an individual student or group of students (not exceeding eight).

[LAW Economics for the Lawyer

2 credits. Not offered 1996-97.

An introduction to economic analysis for students with little or no background in economics. Simple models of consumer and firm behavior; circumstances under which markets may be expected to operate well and poorly; and the economic implications of legal institutions and rules. Students who already have taken economics beyond the introductory level may not take this course.]

LAW 633 Employment Law

Spring. 3 credits. S. J. Schwab. Survey of major laws and programs affecting the employee-employer relationship other than laws regulating unions (covered in Labor Law). One major area covered is the common law relating to privacy, drug testing, and unjust dismissal in the workplace. That area is contrasted with major statutory programs such as worker's compensation, unemployment insurance, FLSA, OSHA, and ERISA. Antidiscrimination legislation will also be covered.

LAW 634 English Legal and Constitutional History

Fall. 3 credits. C. Donahue, Jr.

An introduction to the legal and constitutional history of England from the Anglo-Saxons to the beginning of the 18th century. By and large, the "constitutional" developments will provide a background for the principal focus of the course: the development of private law.

[LAW Entertainment Law

2 credits. Not offered 1996-97.

This course explores several areas within the broad field of entertainment law. Topics include contract law, labor, antitrust, the role of agents, personal and privacy rights, literary and music publishing, sound recordings, films, and television.]

LAW 636 Environmental Law

Spring. 3 credits. Recommended prerequisite: Administrative Law. J. J. Rachlinski.

The course surveys the major environmental laws, with a primary focus on federal statutes (CERCLA, RCRA, NEPA, the Clean Water Act, the Clean Air Act, and the Endangered Species Act). The course lays out the regulatory tools used to address the problems of environmental degradation and discusses the value of these tools. Special attention is paid to the

economic, social, and political obstacles to efficient regulation of the environment.

LAW 637 Environmental Litigation

Spring. 2 credits. Prerequisite: Civil Procedure and Property. R. A. Levao.

A review and analysis of the major forms of environmental litigation in the United States. The course examines federal court proceedings including Superfund litigation (CERCLA), TSCA, RCRA, and Clean Water Act (including citizen-suit) litigation, and litigation against the EPA by citizen groups seeking to compel the promulgation of regulations. In addition, the course evaluates administrative remedies, and contrasts and compares these to remedies in civil proceedings. The growing availability and threat of personal criminal liability against corporate officers and managers is also considered. The course focuses on reported cases as well as innovative theories of recovery being proposed in courts and in administrative agencies at the present time. Long-range litigation trends are examined and predicted. The course looks to examples of litigation in state courts and discusses local and county enforcement mechanisms.

[LAW Estate and Gift Taxation

3 credits. Prerequisite: Federal Income Taxation. Not offered 1996-97.

This course surveys the three federal taxes imposed on wealth transfers: the estate tax, the gift tax, and the generation-skipping tax. The course uses a problem-oriented approach, with emphasis on the Internal Revenue Code, regulations, and other tax materials.]

LAW 640 Evidence

Fall or spring. 3 credits. S. D. Clymer, F. F. Rossi.

The rules of evidence in civil and criminal cases with emphasis on relevance, authentication, witnesses, experts, and hearsay. Course will focus the Federal Rules of Evidence and the common law development of evidentiary rules.

LAW 641 Family Law

Spring. 3 credits. J. L. Dolgin.

An examination of the ways in which law seeks to intervene in the family as an institution. Besides examining the usual matters surrounding the legal formation and dissolution of families, the course emphasizes issues relating to children and pressures for new legal definitions of the family arising from social changes.

LAW 643 Federal Courts

Spring. 4 credits. B. J. Holden-Smith. An intensive examination of the federal courts and their constitutional and statutory role in the federal system. The relationship of the federal courts with the other branches of the federal government and with the states, and the relationship between state and federal law. Case-or-controversy problems, the allocation of jurisdiction between state and federal courts, federal question and diversity jurisdiction of the district courts, and limitations thereon. The course is strongly recommended for anyone planning a judicial clerkship.

LAW 644 Federal Income Taxation

Fall or spring. 4 credits. Limited enrollment. R. A. Green, L. Kahng. A basic course designed to develop understanding of tax concepts and ability to work effectively with the Internal Revenue Code, regulations, cases, and other tax materials.

LAW 646 Feminist Jurisprudence

Spring. 2 credits.

This course examines the role of law, and, more generally, the role of the state, in perpetuating and remedying inequities against women. We will study several paradigmatic feminist legal theories, including equality, difference, dominance, and various anti-essentialist theories (e.g., intersectional, post-structuralist). Among the questions considered will be: How does the law help to construct gender? In what ways does it interact with cultural images and assumptions regarding women to perpetuate women's disadvantaged status in society? To what extent can a set of institutions implicated in women's marginalization be used to remedy it? Can a legal system predicated on the liberal assumption of a unitary, pre-political, autonomous self accommodate feminist accounts of social construction, constrained-choice, -or decentered subjects? What methods have feminists used to argue in and about the law, and do these methods themselves have the potential to transform legal thinking?

[LAW History of the Common Law

2 credits. Not offered 1996-97.

A study of the development in England (with occasional digressions into Scotland) of the institutional framework and the substantive law of the system known as the common law. Classes focus on the chronological development of the system, with particular attention to the law of real property and trespass writs. The course concerns events from the Norman Conquest in 1066 down to the period of the ready availability of Blackstone's Commentaries, circa 1780.]

[LAW Injunctions

2 credits. Not offered 1996-97.

Focuses on the availability and use of the injunction: the substantive and procedural prerequisites for obtaining interlocutory and permanent injunctions, permissible scope and timing, and the duties of those enjoined. Special consideration is given to the use of the injunction as a remedial tool for federal courts in public law litigation.]

LAW 650 Insurance

Spring. 3 credits. J. A. Henderson, Jr. Insurance is an increasingly important tool for the management of risk by both private and public enterprises. This course provides a working knowledge of basic insurance law governing insurance regulation; risk classification; property, commercial, and liability insurance; and claims processes. The emphasis throughout the course is on the link between traditional insurance law doctrine and modern ideas about the function of private law.

LAW 651 Intellectual Property

Fall. 2 or 3 credits. Prerequisite: Available to students who have already taken Copyright or Patent Law for 2 credits. Not available to students who have taken both Copyright and Patent Law. Available to students who have not taken either for 3 credits. P. W. Martin. An introduction to the domestic and international context of intellectual property law with a review of state and federal law relating to intellectual property, principally copyright, patent, and trademark law. Intellectual property issues raised by new information technologies are emphasized throughout the course.

LAW 652 International Business Transactions

Spring. 3 credits. J. J. Barceló III.

An examination of the unique legal features of business transactions across national boundaries. Topics include trade in goods and services, technology licensing, and private commercial law in an international setting; international dispute settlement (litigation and arbitration); government regulation of imports and exports (trade policy); international antitrust; international agreements for the control and harmonization of national regulatory policy; and foreign investment.

LAW 653 International Commercial Arbitration

Spring. 2 credits. T. Varady.

A study of arbitration as a dispute resolution process for international trade and business disputes. The course analyses ad hoc and institutional arbitration, the authority of arbitral panels, enforcement of agreement to arbitrate, challenging arbitrators, procedure and choice of law in arbitral proceedings, and enforcement of international arbitral awards. The course will give special attention to the international convention on the recognition and enforcement of international arbitral agreements and awards (New York Convention) and the UNCITRAL (U.N. Commission of International Trade Law) arbitral rules and model law. It will focus on commercial arbitration as an international phenomenon and not on arbitration under any particular national system.

LAW 655 International Human Rights

Spring. 3 credits. Recommended prerequisite: Public International Law. D. Wipman.

This course explores the development and effectiveness of international legal rules governing the conduct of a state toward people within its jurisdiction. Topics include the substantive norms of human rights, and their philosophic basis; the mechanisms for the protection of human rights, such as the United Nations, specialized agencies, international human rights commissions, and domestic courts; and current issues such as the doctrine of humanitarian intervention, the status of indigenous peoples, and human rights during armed conflicts, illustrated where possible through case studies of current situations.

LAW 656 International Protection of Intellectual Property

Fall. 2 credits. Recommended prerequisite: Intellectual Property. J. Straus.

This course studies intellectual property rights in the international legal system. A general introduction reviews the international protection of patents, trademarks, industrial design, and copyrights. The international protection of industrial property is studied through consideration of the several international conventions and treaties dealing with it. Also examined is the protection of copyrights and neighboring rights under three other international conventions. The course concludes with a look at new attempts to provide international protection through the General Agreement on Tariffs and Trade.

LAW 657 International Taxation

Spring. 3 credits. Prerequisite: Federal Income Taxation. R. A. Green.

This course examines the U.S. income tax treatment of foreign investment and business operations in the United States, as well as the

treatment of U.S. investment and business operations abroad. The course focuses on international tax jurisdiction and on the methods by which the United States relieves international double taxation, both by statute and through income tax treaties.

LAW 659 Japanese Business Law

Fall. 2 credits. H. Oda.

This course deals with legal aspects of investment and trade in Japan. After a general introduction to the Japanese legal system (sources of law, administration of justice, and the legal profession including foreign attorneys), basic rules of corporate law are considered. This is followed by subjects such as contracts, restrictions on unfair trade practices, mergers and acquisitions, product liability, and intellectual property. Recent reform of the financial system and amendments to the securities and exchange law are also covered. Finally, problems of international commercial litigation involving Japanese companies are addressed.

[LAW Judicial Remedies

3 credits. Not offered 1996-97.

This course provides an introduction to the commonly utilized judicial remedies under both state and federal law. It considers the relationship between rights and remedies; the context of modern remedial regimes; the law relating to compensatory, punitive, coercive, and declaratory remedies; and problems of remedial allocation. Some attention is also paid to the issue of interest awards as a remedial device; and the recovery of the costs of litigation.)

LAW 660 Labor Law

Fall. 3 credits. K. V. W. Stone.

A study of collective bargaining, including the process of union formation, legal regulation of strikes and other economic weapons, negotiation and enforcement of collective agreements, the duty of fair representation, the application of antitrust law to union activity, and the relationship between federal labor law and local laws regulating the employment contract.

LAW 662 Land-Use Planning

Fall. 3 credits. E. F. Roberts.

A study of the legal matrix as a method of controlling the environment in which people live and work, including public nuisance as a device to control the town environment; zoning as a control mechanism; conflict between zoning as a plan for growth and as a brake on development; subdivision controls; planning as a respectable government activity; the dynamics of planning, zoning, subdivision controls, and private land-use controls; the rehabilitation-of-center-city syndrome; and future prospects of maintaining a decent environment in a multilingual and culturally tribal society that lacks a genuine moral consensus.

LAW 664 Law and Medicine

Fall. 3 credits. L. I. Palmer.

This course considers legal issues related to medical care and biomedical science. Topics include constraints on access to health care, organization and financing of health services, promoting quality of care in hospitals and outpatient sites, fraud and abuse in clinical practice and biomedical research, dilemmas engendered by therapeutic applications of new technologies, and pathways to reform of the U.S. health care system. Teaching materials will comprise a health law casebook

and supplemental readings from legal, medical, and scientific literature.

LAW 667 Law and Ethics of Lawyering

Fall. 3 credits. Satisfies the professional responsibility requirement; limited enrollment. R. C. Cramton

The law governing the practice of law and the regulatory and institutional arrangements that affect the availability, quality and cost of lawyers will be surveyed in 26 classroom hours (two 50-minute classes per week) through discussion of assigned materials in Hazard, Koniak & Cramton, *The Law and Ethics of Lawyering* (2d ed. 1994). The remaining class time (nine 75-minute sessions) will be devoted to topics of larger ethical and social concern. Some of these will be devoted to panel discussions of important issues with distinguished practitioners (Keck visiting fellows); others to consideration of issues raised by contemporary critiques of lawyers and the legal profession by scholars and in popular culture (novels, movies, TV shows). Topics likely to be considered in 1996 include: who's in charge in the lawyer-client relationship (lawyers and paternalism); the legal ethics of Atticus Finch; legal services for poor people; women and minorities in the legal profession; and the relationship of legal education to legal ethics. Several short papers will be required.

LAW 668 Lawyers and Clients

Spring. 3 credits. Satisfies the professional responsibility requirement. R. C. Cramton.

A survey and critique of (1) the law governing the practice of law and the legal profession's norms concerning the lawyer-client relationship; (2) the social functions of lawyers; (3) the organization of the legal profession; (4) the modes and patterns in which legal services are or are not made available; and (5) ethical theory relating to lawyer behavior.

LAW 670 Legislation

Spring. 3 credits. L. I. Palmer.

This course explores various theories of legislation by studying how statutes become a source of public policy, how judges interpret them, and how lawyers draft them. Drafting exercises are used throughout the course to determine to what degree legislation can be used to reform law or to remedy particular social problems.

LAW 674 Negotiation

Fall. 2 credits. Limited enrollment.

M. D. Pinnisi.

This course is intended to develop methods and skills required for negotiation practice. Approaches to negotiation strategy formation, preparation, and conduct will be explored through discussion of selected readings and through class exercises. Students will engage in four or more mock negotiations in situations that typically involve lawyers: civil litigation, labor contract negotiations, commercial transaction negotiations, and criminal plea bargains.

LAW 675 Organized-Crime Control

Fall. 2 credits. Prerequisite: Criminal Law. R. C. Goldstock.

This course discusses selected aspects of criminal procedure and civil remedies that are used to control sophisticated illegal syndicated activity. Constitutional, statutory, and practical concerns in the use of electronic surveillance and RICO are a particular focus.

[LAW Patent Law]

2 credits. Not offered 1996-97.

Federal patent law. The course will primarily examine substantive and procedural issues commonly arising in patent infringement litigation. Particular attention will be given to the nonobviousness and novelty requirements; the patentability of living organisms, computer software, and surgical procedures; the intersection of patent and antitrust law; the extent to which patent issues are resolved by courts rather than by juries; the doctrine of equivalents; remedies for patent infringement; and defenses to patent infringement claims.]

LAW 676 Philosophy of Human Rights

Fall. 3 credits. W. Sadurski.

The aim of the course is to provide a basis for the theoretical analysis of rights, and to apply that analysis to specific legal situations in which human rights are the central issue. The emphasis will be on the philosophical and ethical foundations of human rights, and on the interconnection that exist between theory and practice. Analyses of actual cases culled from various legal systems will be used to illustrate more general propositions about the proper nature, scope, and rationale of human rights. The lectures will focus on the concept of "rights" and the functions of the "rights talk", on the limits of legally protected liberty (including the problems of the enforcement of morals, legal paternalism, and the duty to render aid), rights to equal protection (with special emphasis on "positive discrimination"), and a general duty to obey the law.

LAW 677 Products Liability

Spring. 3 credits. J. A. Henderson, Jr.

Applications of products-liability doctrine and theory to a variety of problems drawn from or closely approximating actual litigation. An overview of the relevant case law, statutes, and administrative regulations, including the new *Restatement of Tort, Third: Products Liability*.

LAW 678 Professional Responsibility

Fall. 3 credits. Satisfies the professional responsibility requirement. J. Leubsdorf.

A survey of the rules governing lawyers, including the client-lawyer relationship, confidentiality, conflicts of interest, duties to nonclients, and access to legal services.

[LAW Private Justice: Arbitration and Other Forms of Alternative Dispute Resolution]

3 credits. Not offered 1996-97.

Arbitration has become a major aspect of legal practice in such fields as labor law, commercial law, securities law, family law, and other areas. This course will examine the developing law of arbitration and the relationship between private arbitration and the judicial system. It will examine issues such as the enforceability of arbitration agreements, arbitral due process, judicial review of arbitration awards, and the effect of arbitration on statutory rights. It will also examine other forms of alternative dispute resolution, including mediation, small claims courts, and the new mandatory arbitration requirements of some federal and state judicial systems. The course focuses on the law of alternative dispute mechanisms and includes six simulation and problem solving sessions.]

LAW 679 Public International Law

Fall. 3 credits. D. Wippman.

An introduction to the legal rules governing the conduct of states vis-a-vis other states, individuals, and international organizations,

with reference to major current events and issues. Topics include the nature, sources, and effectiveness of international law; the establishment and recognition of states; principles concerning state sovereignty, territory, and jurisdiction; the law of treaties; state responsibility; international environmental law; and human rights. Special attention will be given to the law governing the use of force.

LAW 680 Roman Law and Modern Civil Law Systems

Spring. 2 credits. H. Hausmaninger.

Roman law has been the most influential legal system in Western legal history. The course will focus on selected areas of Roman property, contract, and tort law in order to demonstrate two basic aspects: (1) the distinctive characteristics of classical Roman law, which was largely a jurist's law that was shaped by legal experts similar to modern law professors (as opposed to statutory or judge-made law); and (2) the continuing substantive and methodological influence of Roman law in modern civil law systems, including the major impact of Roman law on the unification process of European law. Roman case law will be studied in English translation and compared with legal reasoning and solutions in contemporary European (e.g., German and French) legal systems. The course will also demonstrate a number of direct and indirect influences of Roman law on Anglo-American law.

LAW 681 Secured Transactions

Fall. 3 credits. L. M. LoPucki.

The course explores the use of security in commercial and consumer transactions. Specific subjects include creditor remedies, default, acceleration and cure, the creation and perfection of security interests, and priority among security interests and liens. The objective is to see secured credit as a system for lending and recovering money.

LAW 682 Securities Regulation

Fall. 2 credits. J. J. Hanks, Jr.

This course examines the federal system of regulation of the offering, sale and distribution of securities, including the Securities Act of 1933 and the Securities Exchange Act of 1934. Emphasis is placed on the structure, negotiation and consummation of securities transactions as part of the capital-raising process. The responsibilities of securities professionals are also reviewed.

LAW 684 Sports Law

Spring. 2 credits. Recommended

prerequisite: Antitrust Law and Labor Law. W. B. Briggs.

The course traces the development of sports law in the United States. Particular attention is given to the relationship of sports with antitrust and labor law. Contemporary issues involving arbitration, collective bargaining, amateur athletics, agents, torts, criminal law, and constitutional law are addressed.

LAW 686 Supervised Teaching

Fall or spring. 1 or 2 credits.

Arrange directly with instructor. See Cornell Law School Catalog.

LAW 687 Supervised Writing

Fall or Spring 1, 2 or 3 credits. A two- or three-credit supervised writing program may also fulfill the second writing requirement.

Arrange directly with instructor. See Cornell Law School Catalog.

LAW 688 Taxation of Corporations and Shareholders

Spring. 3 credits. Prerequisite: Federal Income Taxation. R. A. Green.

This course examines the federal income taxation of corporate structure and transactions involving alterations in structure, including the rules governing incorporation, dividends, redemptions, liquidations, divisions, and reorganizations.

LAW 692 Trial Advocacy

Fall or spring. 3 credits. Three hours.

Prerequisite: Evidence. Limited enrollment. G. G. Galbreath, F. F. Rossi.

This course is devoted to the study of the trial. Fundamental skills are taught in the context of challenging procedural and substantive law problems. Each stage of the trial is examined: jury selection, opening, objections, direct examination, cross-examination, impeachment, expert witnesses, child witnesses, summation, and pretrial. In addition to exercises every week on a particular segment of a trial, the student will also do a full-day jury trial at the completion of the course. Video equipment is used to teach and critique student performance. There are several written assignments.

LAW 694 Trusts and Estates

Fall. 4 credits. G. S. Alexander.

The course examines the process of gratuitous transfers of wealth and introduces the practice of estate planning. It surveys the basic law of property succession, including wills and intestate succession, the law of trusts, powers of appointment, federal transfer taxation, and trust investment. Certain recurrent policy problems are emphasized, including the problem of form of legal norms and the problem of collective constraints on private intention.

PROBLEM COURSES AND SEMINARS

All problem courses and seminars satisfy the first or second writing requirement. Limited enrollment.

[LAW African Americans and the Supreme Court]

3 credits. Not offered 1996-97.

Beginning with its first decisions related to the slavery question, the Supreme Court has at times aided and at other times hindered efforts to afford African Americans full citizenship. This course explores the relationship between blacks and the Supreme Court by examining the major Court decisions affecting African Americans and attempting to understand those decisions in their historical contexts. The course begins with a review of the background and meaning of the constitutional provisions pertaining to the status of blacks in the new nation and ends with an intensive look at *Brown v. Board of Education*.]

LAW 702 American Legal Theory

Fall. 3 credits. R. S. Summers.

The fall 1996 topic for this seminar is the formality of basic types of legal phenomena such as legislative processes, criteria of valid law (for both publicly and privately made law), statutory rules, accepted methods of statutory interpretation, the principle of stare decisis and common law rules, adjudicative processes, limitations on judicial power to modify rules, and the formal characteristics of the legal system viewed as a whole. American law lacks appropriate formality in many

important ways and a heavy price is paid for this. However, legal formality and its distinctive underlying rationales (general legal values) profoundly affect the overall content of law and its practice by lawyers in the American as well as other legal systems. Such formality and its rationales have as much or more of a claim to primacy as the essence of law than do problem-specific policies that also inform the law's content. In this seminar, there is about equal emphasis on practical skills and theory.

LAW 703 Bankruptcy Reorganizations Seminar

Spring. 3 credits. Prerequisite: Debtor-Creditor Law or Secured Transactions. L. M. LoPucki.

This seminar will address selected topics in business reorganization under Chapter 11 of the Bankruptcy Code. Each student will write a substantial research paper and, time permitting, present the paper in class. Topics covered in the seminar will depend to some degree on the topics students select for their papers. Publication of papers is encouraged.

LAW 704 Biblical Law

Fall. 3 credits. C. M. Carmichael. Analysis of law and narrative in the Bible from the perspective of ancient law and legal history. Topics include the nature of the law codes (e.g., hypothetical formulation versus statutory law), legal issues in the narratives (e.g., law of adultery and women's rights), law and morality (e.g., Ten Commandments), law and religion (e.g., institutions guaranteed by the law but condemned by religious authority), the transformation of extralegal relations into legal ones (e.g., with the introduction of money), legal interpretation in antiquity (e.g., Sermon on the Mount), social factors in legal development (e.g., shame and guilt), and aspects of criminal, family, and private law (e.g., eye for an eye, incest rules, and unjust enrichment).

LAW 706 Burdens of Proof

Spring. 3 credits. Prerequisite: Evidence. D. A. Nance. This seminar will examine issues of the sufficiency of evidence to warrant a verdict. It presumes that the student already has an understanding of the exclusionary rules, and thus the basic evidence course is a prerequisite. We will address burdens of proof and presumptions in both civil and criminal cases, and constitutional restrictions on such devices, in an effort to understand exactly what it is that one must prove and what it takes to prove it. We will read material from treatises, cases, and the law review literature. There will be some discussion of probability and statistical inference theory, so a tolerance for numerical thinking is expected, but the only mathematical background needed is basic algebra. Evaluation will be based on the paper and class participation, the latter accounting for as much as 30% of the grade.

LAW 708 Comparative and International Corporate Governance

Fall. 3 credits. Recommended Prerequisite: Working knowledge of a foreign language. J. A. Fanto. This seminar will examine differences and similarities in corporate governance systems, primarily (although not exclusively) those in Western European countries and the U.S. The seminar will be a joint effort to understand the historical, social and, more generally, cultural origins of some of these systems, as well as

their economic rationality. We will also focus upon the critical issue of worldwide convergence of corporate governance and, in this connection and in specific contexts, attempt to understand the forces (social, as well as market) that promote or hinder it. The seminar will make use of the growing legal and economic literature on these subjects and will particularly emphasize theoretical work in anthropology, sociolinguistics, sociology and general cultural studies.

LAW 710 Constitutional Law and Political Theory

Spring. 3 credits. S. H. Shiffren. The purpose of the seminar is to explore theories of freedom of speech and theories of equality. How are the ideas of freedom, equality, association, and community linked in doctrine, and how should they be linked? Neoconservative, liberal, radical, feminist, and Marxist writings are considered.

LAW 714 Criminal Procedure Seminar: Selected Topics

Spring. 3 credits. Prerequisite: Criminal Procedure recommended but not required. S. D. Clymer.

This seminar starts where the course Criminal Procedure ends. Topics may include double jeopardy, restraints on the decision to prosecute, pretrial detention and release, preindictment and pretrial delay, discovery and the obligation to disclose exculpatory evidence, the right to an impartial jury, jury selection, the right to confront witnesses and to present a defense, and sentencing.

[LAW Empirical Studies of the Legal System

3 credits. Not offered 1996-97. This seminar guides students in their own empirical studies of the legal process. Students derive research topics from a variety of empirical sources and design and run their own computer programs. Sample topics may include testing theories of the litigation explosion, evaluating the success rates and burden of Title VII cases, studying family law cases from the Legal Aid Clinic, and studying products liability cases.]

LAW 717 Employment Discrimination

Fall. 3 credits. T. Eisenberg. This seminar explores contemporary problems in equal-employment law. It focuses on legal issues involving Title VII, comparable worth, wrongful discharge, disability discrimination, age discrimination, and equal pay. Students are required to submit a paper as partial fulfillment of the requirements of the course.

LAW 718 Ethnic Conflict and International Law

Fall. 3 credits. Recommended prerequisite: International Human Rights or Public International Law. D. Wippman. This seminar examines the status and rights of ethnic, racial, religious, and national groups under international law, and considers the role of international law in developing an adequate response to intercommunal conflicts in Europe, Asia, and Africa. Topics include the sources of nationalism and ethnic conflict, pertinent individual and group rights, principles of humanitarian law and humanitarian intervention, the relationship between group identity and democracy, the role of international organizations in responding to ethnic conflict, and possible solutions to ethnic conflict, including secession, autonomy, and federalism.

LAW 720 European Union Law

Spring. 3 credits. J. J. Barceló III. The course will study the EU treaty, institutions, and lawmaking processes; the direct effect, supremacy, and reception of EU law in the member states; the development of the four freedoms (goods, services, persons, and capital), fundamental rights doctrine, protection of the environment, and EU antitrust law.

LAW 725 Family Law Seminar

Fall. 3 credits. B. Colapietro. This course is designed to familiarize the student with the practical problems facing the practitioner in family law cases. Students participate in negotiating separation agreements, presenting oral arguments of motions, preparing a memorandum of law, and developing interviewing skills and client relationships. The philosophy of the family law practitioner and methods of dealing with clients involved in divorce, custody, and the like are covered. The emphasis is on method rather than substantive law.

LAW 726 Federal Litigation Seminar

Spring. 3 credits. D. Bordewieck. This seminar is designed for students genuinely interested in being litigators. We will explore the "real world" of civil litigation in federal court, from commencement of a lawsuit through termination by some means other than trial. Particular attention will be given to complaints; answers; document requests and responses thereto; removal issues; venue motions; preliminary injunction motions; summary judgment motions; nonparty discovery; sanctions; FRCP 26 disclosures and requirements; attorney-client privilege issues; and pretrial conference orders. Throughout we will endeavor to determine how one rationally litigates before frequently disinterested judges pursuing their own agendas and against counsel evidencing little regard for the rules or the law.

LAW 728 Health Care Reform

Spring. 3 credits. H. R. Beresford. This seminar will address the role of law in structuring efforts to resolve problems of access, quality, and costs in health care. The focus will be on the U.S. health care system but approaches of some other nations to comparable problems will be briefly explored. Materials will include a health law casebook and selected readings from medical and health policy sources. During the later sessions of the seminar, students will present their seminar papers to the class.

LAW 731 Immigration and Refugee Law

Fall. 3 credits. Prerequisite: Constitutional Law. S. W. Yale-Loehr. This course explores the evolving relationship between U.S. immigration policy and our national purposes. Immigration plays a central role in contemporary American life, significantly affecting our foreign relations, human rights posture, ethnic group relations, labor market conditions, welfare programs, public services, and domestic politics. It also raises in acute form some of the most basic problems that our legal system must address, including the rights of insular minorities, the concepts of nationhood and sovereignty, fair treatment of competing claimants for scarce resources, the imperatives of mass administrative justice, and pervasive discrimination. In approaching these questions, the course draws on diverse historical, judicial, adminis-

trative, and policy materials, including the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990.

LAW 733 Introduction to French Law

Spring. 3 credits. Prerequisite: Not available to students with significant knowledge of civil law system.
C. M. Germain.

Introduction to the French legal system from a comparative law perspective, with a focus on civil law methodology and French legal institutions. Topics studied include French law sources and authorities, such as legislation, court decisions, and scholarly writings; the relationship between French law and the European Union; the French court structure in civil, criminal, and administrative law matters and its major procedural features; and the organization of the legal profession.

[LAW Labor Law Theory and Policy Seminar (also ILR 608)]

3 credits. Prerequisite: Labor Law. Not offered 1996-97.

The U.S. collective bargaining system, which had its origins during the New Deal period, has come under intense attack. The intellectual premises of the system have been challenged by scholars on both the right and the left, and at the same time, the decline in the labor movement has undermined its political support. This seminar will look at the theoretical attacks on the New Deal collective bargaining system and at some of the current proposals for its replacement. Some of the topics to be discussed are: the theory of regulation embodied in the National Labor Relations Act and its critique; alternative conceptions of labor markets and their policy ramifications; the emerging global economy and its ramifications for domestic labor regulation. There will also be discussion of alternative systems of labor regulation, such as found in West Germany, Sweden, and Japan.]

LAW 740 Law and Economics Seminar

Fall. 3 credits. S. J. Schwab.

Selected analysis of ways in which the law has incorporated, wittingly or unwittingly, an economic perspective. A major topic is the Coase Theorem and whether the common law promotes efficiency; a second theme is whether such a common law is ethically appropriate; a third theme contrasts the efficiency of the common law with the marketplace for legislation. Prior study of economics is neither required nor disqualifying.

LAW 741 Law and Higher Education

Spring. 3 credits. Prerequisite: Constitutional Law or Administrative Law.
J. J. Mingle.

Higher education is a complex, idiosyncratic institution. Universities and colleges have a unique mission—teaching, research, and public service—and a uniquely challenging task of accommodating the various constituencies and organizations both internal (governing boards, faculty, students), and external (alumni, legislatures, courts, government agencies) that influence how they are managed and how policies are shaped. This seminar will explore the dynamic tensions, high expectations and complex legal policy issues universities face in fulfilling their mission.

LAW 742 Law, Morals and Theology

Fall. 3 credits. Recommended prerequisite: Exposure to the study of religion.
C. Donahue.

In marked contrast to other religions (Judaism and Islam come immediately to mind) Western Christianity has for a long time relegated law to a secondary position. (Some, though by no means all, Christian denominations, maintain that law has nothing to do with religion.) Western Christianity has put law in this position by giving off topics that other religions regard as "legal" into other categories, like "moral theology," "sacramental theology" or "ecclesiology." The questions that this seminar addresses are how and why did this process of categorization happen and what effect has it had? We will deal with a number of "hot-button" topics, such as contraception, abortion, divorce, the ordination of women, perhaps euthanasia. Our focus, however, will not be on coming to a resolution of the issues raised by these topics but to understanding how Western Christianity has framed the debate about those topics.

LAW 743 Legal Aspects of Foreign Investment in Developing Countries

Spring. 3 credits. M. B. Ndulo.

This seminar will study legal aspects of foreign investments in developing countries. The course is designed to identify legal problems that are likely to affect a commercial investment in a developing country. In addition to identifying the legal issues involved, it will discuss possible approaches to the solution of the problems. The course will include a discussion of the following topics: economic development and foreign capital; obstacles to investment; guarantees to investors and investment codes; nationalization; joint ventures; transfer of technology; international protection of foreign investment; procurement; unification of trade law and settlement of disputes.

LAW 744 Law, Science, and Technology

Fall. 3 credits. Y. M. Cripps.

An examination of the interaction between legal principles and procedures and scientific research and development. Topics include the role of the law in regulating recombinant DNA research, surrogacy, and in vitro fertilization; plant breeders rights and the patentability of organic matter; judicial assessment of expert scientific evidence; and compensation for damage caused by scientific experiments and new technologies.

LAW 756 Legal Aspects of Commercial Real Estate Development

Fall. 3 credits. J. E. Blyth.

Through the use of several written memoranda and one oral presentation, this seminar addresses considerations basic to commercial real estate development. It focuses on purchase agreements, options, rights of refusal, memoranda thereof, representations, and warranties; disclosure required of brokers and sellers, attorneys as brokers, notarial misconduct; conveyancing and surveys; commercial leases; conventional financing; conflicts between commercial tenants and institutional lenders; alternatives to conventional financing; title insurance; attorney opinion letters; and choice of real estate entity.

LAW 758 Legal Ethics and Legal Malpractice

Spring. 3 credits. Prerequisite: It is recommended, but not required, that the basic professional responsibility course, Lawyers and Clients, be taken previously or concurrently. Satisfies the professional responsibility requirement. R. E. O'Malley.

This seminar is an in-depth examination of several fundamental legal ethics subjects: Conflicts of interest, the lawyer's obligation of confidentiality, and the ethical limitations on the lawyer and the lawyer's client in a litigation matter, supplemented by an analysis of real cases in which a lawyer who has deviated from the norms has been found liable for legal malpractice. This seminar will also explore the legal ethics obligations of junior lawyers in instances where the conduct or proposed conduct of a senior supervising lawyer is questionable. Consideration will be given to relevant portions of The American Law Institute's Restatement of the Law Governing Lawyers.

LAW 760 Problems in Corporate Law

Fall. 3 credits. Recommended prerequisite: Corporations. Three hours.
R. F. Balotti.

This seminar will consider a variety of issues in corporate law today, especially those which relate to boards of directors. Examples of potential issues include the requirement of a demand by a stockholder prior to instituting derivative litigation, the business judgment rule, the duties of care, loyalty and disclosure, indemnification, director exculpation statutes, etc. The course will concentrate on the manner in which the American Law Institute and the courts of Delaware have dealt with these issues.

LAW 765 Selected Business Transactions Seminar

Fall. 3 credits. Recommended prerequisite: Corporations. Z. J. Shulman.

An in-depth look at initial public offerings and acquisitions from a practitioner's point of view. With respect to initial public offerings, the course will cover: the applicable statutory framework, pre-offering corporate preparations (such as the implementation of poison pills and stock option plans), the due diligence process, the implementation of corporate governance policies appropriate for a public company, the offering registration process, liability under federal securities laws, the Securities and Exchange Commission review process, underwriting arrangements, selection of a trading forum (i.e., NYSE, NASDAQ, or AMEX) and the transaction closing. Regarding acquisitions, the course will explore: financing alternatives, accounting treatment, due diligence, choosing an appropriate transaction structure (i.e., stock versus asset sale), taxable versus tax-free alternatives and crucial legal aspects of the acquisition, such as letters of intent, successor liability, continuity of employees and non-competition agreements.

LAW 766 Seminar on Physician-Assisted Suicide: The Social Experience

Spring. 3 credits. L. I. Palmer.

Advances in medical technology and various notions of individualism are forcing legislatures and courts to consider whether physicians should be allowed to assist their patients to die. Traditional laws that make criminal one's assistance in another's suicide are being challenged by judicial pronouncements and new legislative provisions such as

the Oregon statute allowing terminally ill patients to request humane ending of their lives. The videotape and transcripts of Dr. Jack Kevorkian's televised acquittal will be the main subject of study in this seminar.

Students will work in groups to develop a short educational product from these videos that could be used by various groups to understand the emerging law on physician-assisted suicide. Each group will write a study guide for the intended audience of the group's project, i.e., doctors, prosecutors, undergraduate students in bioethics courses.

[LAW Seminar on the Psychology of Law]

3 credits. Not offered 1996-97.

This seminar explores the implicit psychological assumptions embedded in legal doctrine and policy. The focus is primarily on various topics in tort and substantive criminal justice, such as the law's assumed ability to control human conduct through deterrent signals and its conception of reasonable behavior implicit in various doctrines of justification and excuse. The seminar seeks to compare these legal assumptions about how people think, behave, and react with actual findings from the fields of psychology and psychiatry.]

LAW 767 Seminar on Tort Theory Practice and Reform

Spring. 3 credits. J. A. Siliciano.

The seminar explores some of the major theoretical and practical questions surrounding the tort system. The central inquiry focuses on the purported goals of tort law, their compatibility with each other, and the degree to which they are realized in practice. The seminar also examines a variety of substantive areas and considers various proposals to restructure tort law.

LAW 768 Separation of Powers

Spring. 3 credits. Prerequisite: Constitutional Law or permission of instructor. C. R. Farina.

The last fifteen years has witnessed more debate about the nature and consequences of "separation of powers" than we have seen since the Founding Era. This seminar examines the ways this concept is understood and used by modern judges, legislators, executive officials, and scholars to justify, or to attempt to modify, the distribution of power within contemporary American government.

LAW 769 Socialist Law in Transition: Russia, China, and Cuba

Fall. 3 credits. F. H. Foster.

This seminar examines the changing definitions and functions of law in socialist and post-socialist countries, with an emphasis on the evolving legal systems of Russia, China, and Cuba. The course considers three major "transitions": (1) from authoritarianism to democracy; (2) from command economy to market economy; and (3) from empire to nations. Topics include "democratic" approaches to lawmaking, socialist and post-socialist Constitutions, mass media law, dispute resolution, commercial law, property and markets, restitution of expropriated property, and gender equality.

[LAW Sovereignty, Self-Determination, and Secession]

3 credits. Not offered 1996-97.

This seminar examines the evolution and meaning of the concept of statehood, the legal rules governing the formation, existence, and breakup of states, and the historical, political,

and philosophical underpinnings of those rules. Topics include the conditions for statehood, the meaning of territorial integrity, the status of territorial entities other than states, the international status of peoples and their right to self-determination, possible bases for a right to secession, the legal consequences of secession, and the use of force to separate or hold together an existing state. Special attention will be given to applying these concepts to contemporary events.]

LAW 772 Tax Policy Seminar

Spring. 3 credits. Prerequisite: Federal Income Taxation. L. Kahng.

This seminar analyzes the tax policy goals of fairness, simplicity, and economic efficiency, and examines how well the present tax system satisfies these goals. Specific topics include: progressivity of the tax rate structure; use of the tax system to advance social policies; tax legislative process; taxation of the family; comparison of income and consumption taxes.

LAW 773 The Regulation of Domestic and International Finance

Fall. 3 credits. J. R. Macey.

This seminar considers various aspects of domestic and international finance. The seminar will begin with a basic introduction to financial principles, and discuss the basic legal problems with domestic (U.S.) corporate finance, including securitization, bond covenants, and the conflicts of interest that exist among various claimants to corporate cash flows. The course will proceed to consider certain aspects of domestic finance, including the European Union's Single Market in Financial Services, foreign exchange markets, Japanese Banking, the payments system, asset freezes, and emerging markets.

LAW 774 The Religion Clauses of the First Amendment

Fall. 3 credits. Prerequisite: Constitutional Law. G. J. Simon.

This course examines various issues relating to the First Amendment's establishment and free-exercise clauses. In the early part of the semester the seminar meets to discuss assigned readings. The later part is devoted to the presentation of seminar papers. Each student must submit a substantial paper on an approved topic and brief written critiques of two other students' papers.

LAW 775 Theoretical Issues in the Law of Crime and Punishment

Spring. 3 credits. Prerequisite: Criminal Law. S. P. Garvey.

The purpose of this seminar is to examine various theoretical issues in the criminal law. Among the topics to be discussed are the justification (if any) for punishment; the relationship between theories of punishment and political theory; the moral limits on the authority of the state to criminalize conduct; theories of excuse and justification in the criminal law; and the role of emotion and reason in the criminal law.

LAW 776 Theories of Property

Fall. 3 credits. Prerequisite: Property. G. S. Alexander.

This seminar explores the various ways that people have conceived of, or understood, property. The materials studied are eclectic and interdisciplinary. They include readings on slavery and property, women and property, community interests in property, as well as classical theories (libertarian, utilitarian, Marxian).

LAW 777 Theories of Social Justice

Fall. 3 credits. W. Sadurski.

The aim of the course is to discuss theories of social (distributive) justice, with special emphasis on the conflicting ideologies that attempt to provide foundations for a conception of distributive justice compatible with the ideal of the rule of law. The main focus will be on the notion of desert and its central role in a theory of just distribution; also the idea of distribution according to basic human needs will be explored. In the course of the exploration of these substantive issues, some leading modern philosophies of justice will be discussed, including Rawls's "justice as fairness," Nozick's entitlement theory, Posner's economic theory of justice, Walzer's pluralist theory, and Marxist and feminist critiques of distributive justice.

LAW 778 United Nations, Elections, and Human Rights

Fall. 3 credits. M. B. Ndulo.

This seminar will focus on elections and human rights. Taking part in the conduct of public affairs is a basic human right increasingly prized by people throughout the world. Universally the right to take part in government is proclaimed and guaranteed by the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights and is recognized in many other treaties and declarations. Sometimes free and fair elections necessitate international assistance to countries to aid them in fulfilling international human rights standards, and cooperation in establishing and strengthening the legal, technical and physical infrastructures necessary to carry out elections. This seminar will explore the basic international human rights principles relating to free and fair elections and the right to take part in government.

LAW 779 Water Pollution and Water Quality Law

Spring. 3 credits. W. A. G'Sell.

An exploration of the legal and regulatory framework for restoring and protecting the nation's water quality, in the context of economic, technical and political constraints, and with an emphasis on the integrated nature of water resources. A major focus will be the Clean Water Act, including NPDES permits, pretreatment requirements, wetlands protection, water quality standards, and toxic pollutants. Technology-based and water quality-based effluent limitations will be compared and contrasted, historically and prospectively. Growing recognition of issues such as nonpoint sources and groundwater pollution will be addressed in the context of possible new directions in water pollution law. A seminar format will be utilized, and students will be expected to prepare and present a research project involving the legal and practical aspects of a real-world water pollution problem.

CLINICAL COURSES AND EXTERNSHIPS

All clinic courses and externships satisfy the second writing requirement. Limited enrollment.

LAW 780 Appellate Advocacy

Fall. 3 credits. Prerequisite: permission of instructor. M. D. Pinnisi.

This course will involve students in the representation of clients in actual appeals and other applications for post-trial relief pending before New York State and federal appellate courts. Approaches to appeal planning, preparation, and conduct will be explored through class discussion of selected readings. Students will work individually and in teams to review trial court records, identify viable issues, research and draft briefs and other papers, and possibly attend argument on motions and appeals prepared by the class.

LAW 781 Capital Punishment Clinic

Spring. 3 credits. S. L. Johnson.

This course is taught as a clinic. Two (or possibly three) cases from the South Carolina Death Penalty Project will be worked on by students. These cases may be in the state postconviction relief stage or the federal habeas corpus stage, depending on the vagaries of litigation and the needs of the South Carolina Death Penalty Project. Students will read the record, may assist in drafting the initial pleading (an application for postconviction relief or a federal habeas petition), and/or may then assist in the preparation of briefs. Students are included in discussion regarding the necessary investigation and the thought process about the case.

[LAW Civil Liberties Clinic

4 credits. Not offered 1996-97.

Students work in teams on cases provided by civil liberties organizations. All students do substantial brief or memoranda writing, and some may have the opportunity to make an oral argument. To help ensure that students have the opportunity to take a case to completion (or at least to the next stage of litigation), this is a full-year course, with students required to register for both semesters for a total of four credit hours and a grade at the end. Given the nature of litigation, demands on student time may be sporadic, and students should be prepared to do some work over intercession if court deadlines so require.]

LAW 782 Estate Planning and Drafting Clinic

Fall. 3 credits. Prerequisite: Trusts and Estates. R. F. Seibel.

This course will focus on the skills and substantive knowledge required for basic estate planning. Using simulation problems, students will be required to counsel and draft documents for clients with a variety of tax and nontax planning problems. There will also be opportunities to represent real clients. Equal emphasis will be given to analytical skills of mastering relevant law, and to implementational skills of applying legal knowledge.

LAW 784 Government Benefits Clinic

Fall or spring. 6 credits. Enrollment in the Government Benefits requires simultaneous enrollment in Legal Aid Clinic 1, Legal Aid Clinic 2, or Legal Aid Clinic 3 (6 hours combined credit for all three combinations). B. Strom.

The course has both a substantive component, in which a broad conceptual understanding of a complex and controversial area of law and public policy is developed, and a live client clinical experience, in which those concepts can be applied in solving actual client problems. The substantive component of the course provides an introduction to government benefits law by examining various need based benefit programs including Aid for Dependent Children (AFDC), Supplemental Security Income (SSI), and Food Stamps. Case handling involves the representation of clients in government benefits cases (public assistance, food stamps, unemployment insurance, Medicaid, etc.) involving both the Tompkins County Department of Social Services and the Social Security Administration. The course also includes a lawyering skills classroom component since students are simultaneously enrolled in Legal Aid 1, 2, or 3. See the descriptions for Legal Aid 1, Legal Aid 2 or Legal Aid 3..

LAW 785 Government Benefits Clinic/ Neighborhood Legal Services Externship

Fall or spring. 6 credits. B. Strom.

This course is a combination of Government Benefits and the Neighborhood Legal Services Externship and either Legal Aid Clinic 1, Legal Aid Clinic 2 or Legal Aid Clinic 3 (6 hours combined credit for all three combinations). The course is the same as Government Benefits except that the case handling component involves handling cases for the Ithaca office of Neighborhood Legal Services. See the descriptions for Government Benefits and the Neighborhood Legal Services Externship and the appropriate Legal Aid course for additional details.

LAW 786 Judicial Externship

Fall or spring. 4 credits. R. F. Seibel.

Students work with a trial court judge. Work involves courtroom observation, conferences with the judge, research and writing memoranda, drafting decisions. The emphasis is on learning about judges, judicial decision-making process, and trials. There are weekly class meetings with readings and discussions of topics related to the externship experience.

LAW 790 Law Guardian Externship

Fall or spring. 4 credits. J. M. Miner.

Students will learn about the representation of children in abuse and neglect cases, juvenile delinquency proceedings and PINS (Persons in Need of Supervision) cases through their placement at the Tompkins County Law Guardian office. Duties may include interviewing, investigating, drafting memoranda and motions, and assisting in trial preparation. Participants in the externship are required to attend classes to discuss issues related to the representation of children.

LAW 791 Legal Aid Clinic 1

Fall or spring. 4 credits. N. L. Cook, G. G. Galbreath, J. M. Miner, R. F. Seibel, B. Strom.

Participants handle civil cases for low-income clients of the Legal Aid Clinic under the supervision of the clinic faculty. Students interview and counsel; investigate and analyze facts; interrelate substantive and procedural law with facts in the context of actual representation; develop a strategy to handle clients' problems; identify and resolve professional responsibility issues; do legal writing; negotiate and settle cases; and represent clients at administrative hearings.

Seminar classes seek to develop interviewing, counseling, negotiation, and advocacy skills through the use of readings, videotapes, discussions, demonstrations, and simulation exercises.

NOTE: On Mondays of the second and third week of the term, LA1 will meet from 3:00-8:00 p.m. Classes are mandatory for all Legal Aid Clinic 1 students and all students in courses which include the LA1 classroom component.

LAW 792 Legal Aid Clinic 2

Fall. 4 credits. Prerequisites: Legal Aid Clinic 1 or a clinic course that includes the Legal Aid 1 classroom component.

N. L. Cook, G. G. Galbreath, J. M. Miner, R. F. Seibel, B. Strom.

Students handle legal aid cases, participate in a classroom component, and help supervise participants in Legal Aid Clinic 1. Students will spend a few hours each week working in conjunction with a local community service agency. Cases are handled as described in the course description for Legal Aid 1. Students represent the clinic's clients in both federal and state courts.

LAW 793 Legal Aid Clinic 3

Spring. 4 credits. Prerequisites: Legal Aid 1 or a clinic course that includes the Legal Aid Clinic 1 classroom component.

N. L. Cook, G. G. Galbreath, J. M. Miner, R. F. Seibel, B. Strom.

Students handle legal aid cases, participate in a classroom component and help supervise participants in Legal Aid Clinic 1. Students will spend a few hours a week working in conjunction with a local community service agency. Many of the cases handled will be generated at community sites. Cases are handled as described in the course description for Legal Aid 1. Students represent the clinic's clients in both federal and state courts.

LAW 794 Legislative Externship

Fall or spring. 3 credits. B. Strom.

The students work with the local New York State Member of Assembly. Work involves drafting legislation, tracking legislation for constituents, legal research and writing, responding to constituent requests that particularly require legal research or an explanation of law. The emphasis is on learning about legislative process, drafting of legislation, understanding the reasons for statutory ambiguity, and developing various skills. There are several informal meetings with the faculty supervisor during the semester with readings and group discussions related to the externship experience.

LAW 795 Neighborhood Legal Services Externship

Fall or spring. 4 credits. B. Strom.

This course must be taken simultaneously with Legal Aid Clinic 1, Legal Aid Clinic 2, or Legal Aid Clinic 3 (4 hours combined credit for all three combinations). Along with case handling it includes a classroom component. (See Legal Aid 1, 2, and 3 course descriptions.) The classes are devoted to the development of lawyering skills and issues related to professional responsibility and the role of an attorney. Cases involve the representation of clients of a legal services office, the Ithaca office of Neighborhood Legal Services (NLS). In addition, each student will meet periodically with the faculty supervisor for review of the placement experience.

LAW 796 Women and the Law Clinic

Fall or spring. Six hours. J. M. Miner, R. F. Seibel.

This course requires simultaneous enrollment in Legal Aid Clinic 1, Legal Aid Clinic 2, or Legal Aid Clinic 3 (6 hours combined credit for each combination). Students will represent women clients who have legal matters primarily in the family law area (divorce, custody, support, domestic violence). Students will also participate in the lawyering skills classroom component of Legal Aid 1, 2 or 3. An additional class will focus on such issues as the impact of substantive law on women, the impact of legal institutions on women, professional role development, feminist lawyering methods, and other topics related to women and the law.

Nonprofessional Course**Government 313 The Nature, Functions, and Limits of Law**

Spring. 4 credits. R. K. Osgood. Undergraduates only.

A general-education course for students at the sophomore and higher levels. Law is presented not as a body of rules but as a set of techniques for resolving conflicts and dealing with social problems. The course analyzes the roles of courts, legislatures, and administrative agencies in the legal process, considering also constitutional limits on their power and practical limits on their effectiveness. Assigned readings consist mainly of judicial and administrative decisions, statutes and rules, and commentaries on the legal process.

FACULTY ROSTER

Alexander, Gregory S., J.D., Northwestern U. Prof.
 Barceló, John J. III, S.J.D., Harvard U.
 William Nelson Cromwell Professor of International and Comparative Law
 Clermont, Kevin M., J.D., Harvard U. James and Mark Flanagan Professor of Law
 Clymer, Steven D., J.D., Cornell U. Asst. Prof.
 Cramton, Roger C., J.D., U. of Chicago.
 Robert S. Stevens Professor of Law
 Cripps, Yvonne M., Ph.D., U. of Cambridge. Visiting Prof.
 Dolgin, Janet L., Ph.D., Brown U. Visiting Prof.
 Donahue, Charles, Jr., LL.B. Yale U. Visiting Prof.
 Eisenberg, Theodore, J.D. U. of Pennsylvania. Prof.
 Fanto, James A., Ph.D., U. of Michigan. Visiting Assoc. Prof.
 Farina, Cynthia R., J.D., Boston U. Prof.
 Foster, Frances, J.S.D., Stanford U. Visiting Prof.
 Garvey, Stephen P., J.D., Yale U. Asst. Prof.
 Germain, Claire M., M.L.L., U. of Denver. Edward Cornell Law Librarian and Professor of Law
 Green, Robert A., J.D., Georgetown U. Assoc. Prof.
 Hausmaninger, Herbert, Dr.jur., Graz. Visiting Prof.
 Hay, George A., Ph.D., Northwestern U. Edward Cornell Professor of Law and Professor of Economics in the College of Arts and Sciences
 Henderson, James A., Jr., LL.M., Harvard U. Frank B. Ingersoll Professor of Law

Hillman, Robert A., J.D., Cornell U. Prof.
 Holden-Smith, Barbara J., J.D., U. of Chicago. Assoc. Prof.
 Johnson, Sheri L., J.D., Yale U. Prof.
 Kahng, Lily, J.D., Columbia U. Assoc. Prof.
 Kent, Robert B., LL.B., Boston U. Prof.
 Leubsdorf, John, J.D. Harvard U. Visiting Prof.
 LoPucki, Lynn M., LL.M., Harvard U.
 A. Robert Noll Professor of Law
 Macey, Jonathan R., J.D., Yale U. J. DuPratt White Professor of Law
 Martin, Peter W., LL.B., Harvard U.
 Jane M. G. Foster Professor of Law
 Nance, Dale, J.D., Stanford U. Visiting Prof.
 Ndulo, Muna B., D. Phil., Trinity C. Visiting Prof.
 Oda, Hiroshi, LL.D., Tokyo U. Visiting Prof.
 Osgood, Russell K., J.D., Yale U. Prof.
 Palmer, Larry I., LL.B., Yale U. Prof.
 Rachlinski, Jeffrey J., Ph.D., Stanford U. Asst. Prof.
 Roberts, Ernest F., LL.B., Boston C. Edwin H. Woodruff Professor of Law
 Rossi, Faust F., J.D., Cornell U. Samuel S. Leibowitz Professor of Trial Techniques
 Rudden, Bernard, D.C.L., Oxford U. Visiting Prof.
 Sadurski, Wojciech, Ph.D., U. of Warsaw, Visiting Prof.
 Schwab, Stewart J., Ph.D., U. of Michigan. Prof.
 Shapiro, Howard M., J.D., Yale U. Assoc. Prof.
 Shiffrin, Steven H., J.D. Loyola U. of Los Angeles. Prof.
 Siliciano, John A., J.D., Columbia U. Prof.
 Simson, Gary J., J.D. Yale U. Prof.
 Stone, Katherine V. W., J.D., Harvard U. Prof.
 Straus, Joseph, Dr.jur., Munich. Visiting Prof.
 Summers, Robert S., LL.B., Harvard U.
 William G. McRoberts Research Professor in the Administration of the Law
 Taylor, Winnie F., LL.M., U. of Wisconsin. Prof.
 Varady, Tibor, S.J.D., Harvard U. Visiting Prof.
 Wippman, David, J.D., Yale U. Assoc. Prof.
 Wolfram, Charles W., LL.B., U. of Texas. Charles Frank Reavis Sr. Professor of Law

Lecturers

Cook, Nancy L., J.D., Georgetown U. Senior Lecturer
 Galbreath, Glenn G., J.D., Case Western Reserve U. Senior Lecturer
 Miner, JoAnne M., J.D., U. of Connecticut. Senior Lecturer and Director, Cornell Legal Aid Clinic
 Seibel, Robert F., J.D., Northeastern U. Senior Lecturer
 Strom, Barry, J.D., Cornell U. Senior Lecturer

Academic Library Staff

Germain, Claire M., M.L.L., U. of Denver. Edward Cornell Law Librarian and Professor of Law
 Hasko, John J., M.S.L.S., U. of Illinois. Associate law librarian
 Court, Patricia G., M.L.S., Indiana U. Head of reference
 Pajerek, Jean M., M.L.S., SUNY-Albany. Head of cataloging
 Beehler, Sandra A., M.L.S., Indiana U. Acquisitions librarian
 Childs, Scott E., M.L.S., Florida State U. Reference librarian
 Wenger, Jean M., M.L.I.S., Rosary College. Reference librarian

Members of Other Faculties Associated with the Law School

Carmichael, Calum M., B. Litt., Oxford U. Prof. College of Arts and Sciences
 Hyams, Paul R., D. Phil., Oxford U. Assoc. Prof. College of Arts and Sciences

Adjunct Faculty Members

Beresford, H. Richard, M.D., U. of Colorado. Adjunct Prof.
 Blyth, John, Dr.jur., Goethe U. Adjunct Prof.
 Bordewieck, Douglas, J.D., Harvard U. Adjunct Prof.
 Briggs, W. Buckley, J.D., Georgetown U. Adjunct Prof.
 Colapietro, Bruno, J.D., Cornell U. Adjunct Prof.
 G'Sell, William A., J.D., U. of Washington. Adjunct Prof.
 Goldstock, Ronald G., J.D., Harvard U. Adjunct Prof.
 Hanks, James L., Jr., LL.M., Harvard U. Adjunct Prof.
 Levaio, Richard A., J.D., Cornell U. Adjunct Prof.
 Mingle, James J., J.D., U. of Virginia. Adjunct Prof.
 Pinnisi, Michael D., J.D., Cornell U. Adjunct Prof.
 Sherwyn, David S., J.D., Cornell U. Adjunct Prof.
 Shulman, Zachary, J.D., Cornell U. Adjunct Prof.
 Tahsuda John, J.D., Cornell U. Adjunct Prof.
 Yale-Loehr, Stephen W., J.D., Cornell U. Adjunct Prof.

Practitioners in Residence

Balotti, R. Franklin, LL.B., Cornell U. Pract.
 O'Malley, Robert E., J.D., Northwestern U. Pract.