

## LAW SCHOOL

### ADMINISTRATION

Stewart J. Schwab, dean and professor of law

Barbara J. Holden Smith, associate dean for academic affairs and professor of law

Claire M. Germain, law librarian and professor of law

Richard D. Geiger, associate dean and dean of admissions and financial aid

Anne Lukingbeal, associate dean and dean of students

Richard F. Robinson, associate dean for administration and finance

Karen V. Comstock, assistant dean for public service

Charles D. Cramton, assistant dean for graduate legal studies

John R. DeRosa, assistant dean for student services

Nan A. Colvin, registrar

The Law School prepares attorneys for both public and private practice. Graduates are trained to provide the highest quality professional services to their clients and to contribute to the development and reform of law and legal institutions. The curriculum is designed to prepare students for admission to the bar in all American states and territories. Students who pursue the three year Doctor of Law degree (J.D.) must have a bachelor's degree or equivalent. Students wishing to concentrate in international law may be admitted to a program leading to the J.D. "with specialization in international legal affairs." The Law School also offers a limited number of students an opportunity to earn both a J.D. degree and an LL.M. (Master of Laws) degree in international and comparative law.

Students may pursue 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; the Université de Paris I (Pantheon Sorbonne); L'Institut d'Etudes Politiques de Paris; and Humboldt University.

Each year a limited number of students from abroad pursue the LL.M. degree (Master of Laws) and the J.S.D. degree (Doctor of the Science of Law). A small number of law graduates also may be admitted as special students, to pursue advanced legal studies without seeking a degree. Students in other graduate programs and qualified undergraduate students registered with the university are welcome in many classes with the permission of the instructor. In addition, highly qualified undergraduates in the College of Arts and Sciences may register in the Law School during their senior year.

For further information, refer to the Law School web site, or contact the Office of the Registrar, Myron Taylor Hall. Course

descriptions are current as of April 2006. For updated law descriptions visit: [www.lawschool.cornell.edu](http://www.lawschool.cornell.edu)

### FIRST-YEAR COURSES

#### LAW 500(5001) Civil Procedure

Yearlong. 6 credits. Letter grades only.

K. M. Clermont, 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(5021) Constitutional Law

Fall. 4 credits. Letter grades only.

B. A. Meyler, S. H. Shiffrin.

A study of basic American constitutional law, including judicial review, 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(5041) Contracts

Yearlong. 6 credits. Letter grades only.

R. A. Hillman, R. S. Summers, W. F. Taylor.

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(5061) Criminal Law

Spring. 4 credits. Letter grades only.

S. D. Clymer, S. P. Garvey.

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 508(5081) Lawyering

Yearlong. 4 credits. Letter grades only.

J. B. Atlas, J. A. Ciani-Dausch, J. Dole,

A. J. Mooney, U. Weigold.

This course is designed to introduce first-year students to lawyering skills, with primary emphasis on legal writing, analysis, and research. In the context of a law office, students create some of the essential legal writings that lawyers produce. Students determine and investigate the essential facts to support their client's case by interviewing or deposing various witnesses. Students may also write a client letter, using plain English to explain to their client the law and the merits of the case, and advise the client on the best course of conduct. Finally, students develop their oral and written advocacy skills and start thinking about litigation strategy by researching and writing persuasive memoranda or legal briefs for a trial or appellate court. At the end of the year, students orally argue their case. Instruction occurs not only in meetings of the class as a whole but also in individual conferences.

Each student receives extensive editorial and evaluative feedback on each written assignment.

#### LAW 512(5121) Property

Spring. 4 credits. Letter grades only.

G. S. Alexander, E. L. Sherwin.

This basic property law course covers acquisitions of rights in property, estates in land, concurrent ownership, landlord/tenant relations, and regulation of land use.

#### LAW 515(5151) Torts

Fall. 4 credits. Letter grades only.

C. G. Bowman, V. Hans, M. Heise,

J. A. Henderson, Jr., D. Kysar,

W. B. Wendel.

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.

### GRADUATE COURSES

#### LAW 607(6071) Advanced Legal Research—U. S. Legal Research for LL.M. Students

Fall. 1 credit. Graduate program grading—

H, S, U. Limited to graduate students.

Limited enrollment. Meets first 6½ weeks of term. C. Finger, M. Morrison.

This course introduces LL.M. students to basic legal research in U.S. materials that will be valuable to them in their course work at Cornell and in practice. The focus is on understanding and finding primary legal sources, including statutory codes, session laws, administrative regulations, and court decisions, as well as explanatory materials, such as law reviews and treatises. To a large extent, instruction uses online materials most likely to be available to the students in their future careers. There are short introductory lectures as well as hands-on computer lab and Reading Room sessions. Students complete five exercises using the resources learned in class, and there is no final exam. The final grade is based on the five exercises (20% each).

#### LAW 622(6221) Contracts in a Global Society

Fall. 4 credits. Graduate program grading:

H, S, U. Limited to graduate students.

W. F. Taylor.

This course is designed for foreign-trained lawyers who are familiar with basic contract law in their own country. It surveys the Anglo-American common law of contracts and related civil obligations. The pedagogic approach focuses on the case method and is Socratically based, similar to the traditional first year course in Contracts. Graduate students who wish to study contract law are generally expected to take this course. They are free to enroll instead in the first-year Contracts course, but if they do so, they must take that course for the full year.

**LAW 676(6761) Principles of American Legal Writing**

Fall or spring. 3 credits. Graduate program grading: H, S, U. Limited enrollment.

Limited to graduate students. L. Knight.

This course introduces foreign-trained lawyers to the American legal system and essential principles of legal writing in the U.S. Students have an opportunity to practice some forms of writing common to American legal practice, by drafting documents such as client letters, memoranda, briefs, and pleadings, in the context of representing hypothetical clients.

**LAW 899(8991) Thesis**

Fall or spring. 5 credits. Graduate program grading: H, S, U; J.D./LL.M. program: Letter grades only. Limited to graduate students and students completing joint J.D.-LL.M. program.

Arrangements for a master's thesis are made by the student directly with a faculty member. A faculty member may require the student to submit a detailed outline of the proposed thesis, as well as a summary of previous writing on the subject or other appropriate information. The work is completed during the academic year under the supervision of a law faculty member.

**LAW 990(9901) Graduate Research**

Fall or spring. Limited to J.S.D. students.

**UPPERCLASS COURSES****LAW 600(6001) Accounting for Lawyers**

Spring. 2 credits. S-U or letter grades.

R. A. Sarachan.

This course introduces students to the basic concepts and fundamentals of financial accounting. It focuses on (1) accrual accounting concepts, principles and conventions, (2) presentation of financial statements, (3) interpretation and analysis of financial statements, and (4) the use and misuse of accounting information. The goal is to enable students to critically review a company's financial statements. It is intended primarily for students with little or no prior background in bookkeeping or accounting and is limited to students who have had no more than 6 credit hours of accounting (or its equivalent) or permission of instructor.

**LAW 601(6011) Administrative Law: The Law of the Regulatory State**

Fall or spring. 3 credits. J. Siegal (fall), S-U option available; J. J. Rachlinski (spring). Letter grades only. Limited enrollment.

An introduction to the constitutional and other legal issues posed by the modern administrative state. Topics include: procedural due process, separation of powers, procedural modes of administrative policymaking; judicial review of agency action; and the oversight and control relationships between agencies and Congress or the President. The course provides a working familiarity with the fundamentals of administrative procedure, as well as a larger inquiry into the role of agencies in our constitutional system—and the effect of legal doctrine on shaping that role.

**6051 Advanced Legal Research in Business Law**

Spring. 1 credit. S-U or letter grades. Prerequisite: Lawyering. Meets first 6½ weeks of term. Limited enrollment. J. M. Callihan.

This course introduces students to print and online sources for researching business law. The term "business law" covers a variety of topics such as corporate law, securities, banking, antitrust, employment, and taxation. In addition to revisiting the standard legal research sources, students learn about specialized resources including financial reports, SEC filing, company information, historical and current industry and market research, and economic and financial data. The focus is on research strategy and evaluation of resources. The course includes short lectures, hands-on computer lab sessions introducing students to commercial and free databases, and some instruction by a business librarian on business databases. There are selected readings in lieu of a required textbook, and five assignments using resources learned in class. There is no final exam; final grade is based on the five exercises (20% each).

**LAW 606(6061) Advanced Legal Research—International and Foreign Law**

Fall. 2 credits. S-U or letter grades. Limited enrollment. T. Mills.

Globalization has led to the internationalization of the practice of law. This course provides an overview of research resources, methods, and strategies for international and foreign law. Topics include public and private international law, the European Union, and the United Nations. The course includes lectures followed by computer lab and library training sessions. Selected readings are available online and on reserve; there is no required textbook. There are seven assignments of equal weight on material covered in class, but no final exam.

**LAW 610(6101) Antitrust Law**

Fall. 3 credits. Letter grades only. G. A. Hay.

The antitrust laws of the U.S. protect competitive markets and limit the exercise of monopoly power. Topics include: price fixing, boycotts, and market allocation agreements among competitors; agreements between suppliers and customers; joint ventures; monopolization; and mergers.

**LAW 612(6121) Bankruptcy**

Fall. 3 credits. Letter grades only. Not open to students who have taken Debtor-Creditor Law. T. Eisenberg.

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

**LAW 613(6131) Business Organizations [formerly Corporations]**

Spring. 4 credits. S-U option. Limited enrollment. M. Schanzenbach.

An introduction to the legal rules and principles, as well as economic factors, that pattern the conduct of productive enterprise in the U.S. The principal focus is on the large, publicly traded corporation that dominates much of the U.S. business environment, in particular, its financing, control, and the potentially conflicting interests that the form must mediate. Legal topics include shareholder and executive compensation, basic fiduciary obligations, shareholder voting rights, shareholder suits, corporate reorganization and control transactions. We

also devote some attention to partnerships, closely held corporations and other business forms.

**LAW 613(6131) Business Organizations [formerly Corporations]**

Fall. 4 credits. S-U or letter grades. Limited enrollment. M. C. Suchman.

An introduction to the legal rules and principles, as well as some of the economic factors, that pattern the conduct of productive enterprise in the U.S. The principal focus is on the large, publicly traded corporation that dominates much of the U.S. business environment, in particular, its financing, its control, and the potentially conflicting interests that the form must mediate. Legal topics include shareholder and executive compensation, basic fiduciary obligations, shareholder voting rights, shareholder suits, corporate reorganization and control transactions. We also devote some attention to partnerships, closely held corporations and other business forms, and take note of particular industries' and divergent (generally, non-American) jurisdictions' dominant forms of productive organization, to place what is distinctive about the principal American form into bolder relief. No prior background in business law or economics is assumed.

**LAW 615(6151) Chinese Law**

Spring. 3 credits. S-U or letter grades. Z. Cui.

This course examines the law and practice in contemporary PRC. After a brief overview of Chinese legal history and legal development, the course proceeds into specific sections devoted to the overall legal reform, the status and reform of legal actors, and various aspects of commitment and compliance with international human rights standards. A section also deals with Chinese law in a comparative perspective how it is and has been viewed in China and outside. Much of the course material consists of academic articles as well as various reports by, for example, the United Nations. Chinese case law, statutes and other documents are also examined. The course ends with a discussion on possible scenarios on the future of legal development in China.

**LAW 616(6161) Comparative Law: The Civil Law Tradition**

Spring. 3 credits. S-U or letter grades. M. Lasser.

This course introduces students to the institutional and conceptual organization of "civil law" legal systems (which govern most of Western and Eastern Europe and Latin America as well as significant portions of Africa and Asia). It therefore provides a broad overview of "civilian" private law and procedure, criminal procedure, administrative law, and constitutional law. It is particularly interested in the differences between common law and civil law understandings of the relationship between law-making, legal interpretation, and the judiciary.

**LAW 619(6191) Conflict of Laws**

Spring. 3 credits. S-U or letter grades. B. Holden-Smith.

This course focuses primarily on the choice-of-law methods used by courts in the U.S. to decide the applicable law in cases that, in their parties or events, involve more than one state or country. It examines in detail the nature, logic, and constitutionality of such methods. In addition, it devotes substantial attention to recognition and enforcement of judgments and, in particular, to the obligation

imposed by the Constitution's Full Faith and Credit Clause to respect the judgments of other states' courts.

**LAW 619(6192) Congress: Structure, Process and Product**

Spring. 3 credits. Letter grades only.  
Tentative offering. C. Farina.

A course for those troubled by the idea of getting out of law school without knowing more about the institution that enacts statutes and passes the budget than that it is composed of the House and the Senate. We look at the make-up, operation, and formal and informal output of Congress from both the political science and legal perspectives. Part of the grade involves using this information to examine the debate about methods of statutory interpretation.

**LAW 620(6201) Constitutional Law II: The First Amendment**

Spring. 3 credits. S-U or letter grades.  
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 623(6231) Copyright**

Spring. 3 credits. O. Liivak.

This course focuses on U.S. copyright law and provides a survey of the main doctrinal areas including the definition of authorship, the criteria and scope of protection, infringement and fair use, and related constitutional issues. It explores copyright's impact in modern debates and controversies over Internet liability, peer to peer file sharing, and software and data protection.

**LAW 624(6241) Corporate and White Collar Crime**

Fall. 3 credits. S-U or letter grades.  
S. P. Garvey.

White collar crime is one of the fastest growing areas of specialization in the legal profession today. The collapse of the savings and loan industry, corruption in the health care industry, and the Enron scandal have contributed to a dramatic increase in federal white collar crime prosecutions over the past 20 years. This course examines some of the principal statutes used to prosecute corporate and white collar crime. Theories of liability we consider include traditional white collar offenses like mail and wire fraud, insider trading, false statements, perjury, and obstruction of justice and recent entries such as RICO, money laundering, and laws enacted to combat government contract fraud. In addition, we take an introductory look at the workings of the Federal Sentencing Guidelines.

**LAW 626(6261) Criminal Procedure I**

Fall. 3 credits. S-U or letter grades.  
J. H. Blume.

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, it focuses on the law of interrogations and confessions, the admissibility of evidence, and the right to counsel throughout all stages of the criminal process.

**LAW 630(6301) Directed Reading**

Fall or spring. 1 or 2 credits. S-U option only. Arrange directly with instructor. Registration form available from registration site or registrar's office.

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 631(6311) Education Law**

Spring. 3 credits. S-U or letter grades.  
M. Heise.

This course focuses on selected legal issues that arise in the public and private education context, with emphasis on the elementary and secondary school setting. Topics include the legal and policy dimensions of the rights of students, parents, educators, and the state with respect to such issues as access to, control over, and regulation of the education setting and institutions. Issues germane to equal education opportunity, school finance, and school governance and regulation receive particular attention.

**LAW 632(6321) Employment Discrimination and the Law (also ILRCB 684)**

Fall. 3 credits. S-U or letter grades.  
For description, see ILRCB 684.

**LAW 633(6331) Employment Law**

Spring. 3 credits. S-U or letter grades.  
A. S. Hyde.

Survey of common law doctrines and selected federal statutes affecting the employer-employee relationship, but not including union formation and collective bargaining. Common law topics include: the "employment at will" rule and its exceptions; employee duties of loyalty, trade secrets, covenants not to compete, and other post-termination obligations; and, employee reputation and privacy interests. Constitutional topics include free speech and privacy rights of public employees. Federal statutory topics include brief introductions to the Employee Retirement Income Security Act, and either federal antidiscrimination law, or the Occupational Safety and Health Act.

**LAW 635(6351) Environmental Federalism and Regulatory Design**

Fall. 1 credit. Meets for two weeks during first half of semester. W. W. Buzbee.

This course studies regulation and federalism through close examination of debates and developments in the world of environmental federalism. After looking at recent Supreme Court cases and the constraints they impose, as well as readings on federalism theory, we cover materials about cooperative federalism; debates over the "race-to-the-bottom" rationale for federal regulation; devolutionary shifts of authority to state and local actors; shifts in regulatory strategy away from "command and control" regulation to decentralized or more market-oriented strategies; increased reliance on cost-benefit analysis; the need to distinguish arguments rooted in federalism principles from decentralization rationales; the implications of regulatory fragmentation and institutional complexity; and materials comparing the institutional competence of federal, state and local actors to fulfill regulatory roles. While much of the material relates to environmental policy, a substantial element draws on a broader literature regarding federalism, regulatory design and regulatory reform.

**LAW 640(6401) Evidence**

Fall or spring. 3 credits. S. D. Clymer (fall), S-U or letter grades. F. F. Rossi (spring).  
Letter grades only. Limited enrollment.  
The rules of evidence in civil and criminal cases with emphasis on relevance, hearsay,

authentication, witnesses, experts, and confrontation. The course focuses on the Federal Rules of Evidence, with some attention to how they diverge from the common law.

**LAW 642(6421) Family Law**

Spring. 3 credits. S-U or letter grades.  
C. Bowman.

Broadly understood, family law is the study of state-imposed rules regulating intimacy and intimate relationships in society. In this course we evaluate our assumptions and beliefs about the appropriateness of several current laws regulating families. Substantial attention is devoted to the social and legal consequences of marriage dissolution, including child custody, child support, property distribution, and spousal maintenance. Other topics include: the legal significance of marriage rights and obligations; private ordering within the marital context; non-marital relationships and their regulation; and the legal rights of parents, children, and foster parents in situations of abuse and neglect.

**LAW 643(6431) Federal Courts**

Spring. 4 credits. S-U or letter grades.  
Prerequisite: Constitutional Law and second semester of Civil Procedure.  
Students without such background should consult with instructor. T. Morrison.

This course examines the various constitutional and judge-made doctrines that control access to the federal courts to vindicate federal rights. It is particularly valuable for those planning a career in public interest or the public sector, anyone else expecting to litigate extensively in federal court, and students who have or hope to obtain a judicial clerkship. Topics include: case or controversy limitations, including standing; constitutional and statutory limits on jurisdiction; causes of action for constitutional and statutory rights, including 42 U.S.C. §1983 and Bivens actions; bars to such actions, including the various abstention doctrine and the emerging law on 11th Amendment and sovereign immunities.

**LAW 644(6441) Federal Income Taxation**

Fall or spring. 4 credits. S-U or letter grades. R. A. Green (fall), R. A. Schnur (spring). Limited enrollment.

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(6461) Financial Institutions [formerly Banking Law]**

Spring. 4 credits. S-U or letter grades. Not open to students who have taken Banking Law and Regulation. R. C. Hockett.

An introduction to the regulatory structures, as well as some of the economic and technological factors, that pattern the conduct of financial intermediation in the U.S. The principal focus is on commercial banks, and to a slightly lesser extent investment companies (mutual funds), insurance companies, pension funds and securities firms in so far as these institutions discharge a common set of economic functions and give rise to a common set of systemic economic risks. Legal topics include entry-, branching- and geographical restrictions; competition-promotion; capital adequacy-, solvency- and other forms of risk-regulation; community-reinvestment; self-regulation; insolvency and deposit insurance. We also devote some attention to "alternative"

financial service providers such as check-cashing services, community development financial institutions and micro-credit providers; and we take note both of divergent (generally, non-American) jurisdictions' dominant modes of financial intermediation and of the "globalization" of finance, both to place what is distinctive about the dominant American forms into bolder relief and better to understand the forces operating behind recent and still unfolding changes to the American (and global) financial and finance-regulatory environments. No prior background in financial law or economics is assumed.

**LAW 647(6471) Health Law**

Fall. 2 credits. S-U or letter grades.

H. R. Beresford.

This course considers legal aspects of the organization, financing, and distribution of health care in the U.S. It emphasizes issues of access, costs, and quality, and address the use of regulation, litigation and market-driven strategies to confront emerging problems. Readings are from a health law casebook, supplemented by occasional handouts of current materials. The goal is to convey an appreciation of the challenges involved in providing health care to those in need and of the role of law and lawyers in meeting these challenges.

**LAW 649(6491) The IPO Process and Deal Structure Alternatives (also NBA 563)**

Fall. 3 credits. Prerequisite: Corporations/Business Organizations. S-U or letter grades. J. Nozell, J. Teitelbaum. Limited enrollment.

For description, see NBA 563.

**LAW 650(6501) Insurance Law**

Fall. 3 credits. S-U or letter grades.

M. Heise.

Insurance is an increasingly important tool for the management of risk by private and public enterprises. This course provides a working knowledge of basic insurance law governing insurance contract formation, insurance regulation, property, life, health, disability, and liability insurance and claims processes. The emphasis throughout is on the links between insurance theory, doctrine, and modern ideas about the functions of private law.

**LAW 651(6511) Intellectual Property**

Fall. 3 credits. S-U or letter grades.

J. Siegal.

A survey of legal mechanisms for protecting intellectual property, including patent, trademark, copyright, and related state-law doctrines.

**LAW 652(6521) International Business Transactions**

Fall. 2 credits. S-U or letter grades.

L. M. Brennan.

Overview of different commercial legal systems. Analysis of private and public law aspects of international business transactions, and the legal rules governing such transactions. Private international law transactions would include international sale of goods, letters of credit and commercial documents. Selection of appropriate mechanism for international business (joint venture, branch, subsidiary, technology license). Overview of Foreign Direct Investment, Debt Financing, and technology transfers. Review of the applicable dispute resolution mechanisms (international litigation, commercial arbitration and other means of international commercial

dispute settlement) including issues such as governing law, choice of forum, and applicable treaties. Analysis of international implications of US law including US Foreign Corrupt Practices Act and US antitrust law.

**LAW 652(6522) International Business Transactions with China**

Spring. 3 credits. Y. Tang.

This course is an introduction to business and commercial law in the People's Republic of China, and examines the legal and practical aspects of doing business with China. After a brief overview of China's political and legal system, we examine basic areas of domestic business legislation, including torts and contract law, the regulation of foreign investment business, the reform of state enterprises, the development of company and securities laws. More specialized topics include arbitration and dispute resolution, the Chinese approach to intellectual property issues, or the use of joint ventures and other foreign investment vehicles. Last, we work through the phases of negotiating a typical equity joint venture contract for the establishment of a Sino-foreign manufacturing enterprise, from the letter of intent and joint feasibility study to the final contract, including the articles of association of the venture and other relevant documents.

**LAW 653(6531) International Commercial Arbitration**

Fall. 3 credits. S-U or letter grades.

(Students who have taken international commercial arbitration course in Paris program receive 1 credit; all others receive 3 credits.) J. J. Barceló III.

A study of arbitration as a dispute resolution process for international trade and business disputes. We analyze institutional and ad hoc arbitration, the authority of arbitral panels, enforcement of agreements to arbitrate, challenging arbitrators, procedure and choice of law in arbitral proceedings, and enforcement of international arbitral awards. We pay 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. We focus on commercial arbitration as a transnational phenomenon and not on arbitration under any particular national system.

**LAW 656(6562) International Monetary Law**

Fall. 2 credits. Availability of S-U option

TBA at first class. J. Lavie.

This course focuses on the legal analysis of international monetary relations. Topics include: the concept of money and monetary systems; the principle of nominalism; monetary sovereignty and exchange arrangements; legal and institutional aspects of the International Monetary Fund; the European Monetary Union; and the role of the Bank for International Settlements in the cooperation between central banks.

**LAW 659(6592) Labor Law**

Fall. 3 credits. S-U or letter grades.

A. S. Hyde.

This course focuses on federal law regulating employee collective action and labor unions. Topics include union organizational campaigns, strikes and other economic weapons, and the negotiation and enforcement of collective agreements. We also consider issues involving employee group

action without formal organization, or through organizations other than labor unions.

**LAW 660(6601) Land Use**

Fall. 2 credits. S-U or letter grades.

E. Penalver.

This course provides a broad introduction to the theory, doctrine, and history of land use regulation. Topics include zoning, homeowners' associations, nuisance, suburban sprawl, eminent domain and regulatory takings. Readings are drawn from the leading cases as well as commentary by scholars in land use law, architecture, and planning.

**LAW 614(6141) Law and Ethics of Business Practice**

Fall. 3 credits. S-U or letter grades.

Pre- or co-requisite: Corporations/Business Organizations or (for graduate students) equivalent course elsewhere. Satisfies professional responsibility requirement. Enrolling does not prohibit enrollment in another professional responsibility course.

S. J. Schwab.

Each week a distinguished guest lecturer from the business world presents a business-law problem. The problems cover a wide variety of topics, such as reincorporating a business from a foreign jurisdiction into Delaware, or complying with the Sarbanes-Oxley audit requirements. Students are assigned to teams. Over the semester, each student writes four 5-page papers on a particular week's topic and provides written comments on other student papers in other weeks, as well as participates in class discussions. No final examination.

**LAW 661(6612) Law and Literature**

Fall. 3 credits. S-U or letter grades.

B. Meyler.

Articles in recent issues of the Yale Law Journal and PMLA, the principal publication of the Modern Language Association, have asserted a crisis in the field of law and literature. This course looks, for the first half of the semester, at the relationship between literary and legal form, and, for the second half, situating readings of literary texts within the context of the historical development of particular concepts in law. New work has illuminated certain correspondences between literary and legal genres, and the relationship between particular genres, like comedy, tragedy, and tragicomedy, and specific visions of justice. With the laws of marriage, property, and inheritance, and insisted on the necessity for their reform. Weekly readings consist in literary works and critical essays on them. The course concludes with a take-home exam.

**LAW 662(6623) Law and Society in China**

Fall. 4 credits. S-U or letter grades. E. Pils.

This course provides a general introduction to Chinese law and its historical and cultural background, and a focused discussion of social conflict and the law in contemporary China. Special attention is paid to the legal and political means available to citizens to protect their rights and interests, particularly against the government. Issues discussed include administrative litigation, constitutional issues, the legal, economic and political aspects of land disputes, and the causes of social unrest. No special attention is paid to commercial law related topics. The intent is to allow students interested in the general questions of law and social justice to investigate them in one (interesting and important) national context. The goal is to use China as a case study to some extent representative of other developing or transitional societies. No particular background in or knowledge of China is required. There



is a take-home exam. Class participation and response papers on readings discussed in class also count toward the final grade.

**LAW 663(6631) Law for High Growth Companies (also NBA 689)**

Fall. 3 credits. S-U grades only. First priority to BRL students in both colleges. Limited enrollment. Z. J. Shulman.

For description, see NBA 689.

**LAW 664(6641) The Law Governing Lawyers**

Spring. 3 credits. Letter grades only. Satisfies professional responsibility requirement. Enrolling in this course does not prohibit enrollment in another professional responsibility course. W. B. Wendel.

This course is intended to provide a comprehensive overview of the law governing lawyers in a variety of practice settings, including transactional, counseling, and civil and criminal litigation. It is not focused merely on the ABA's Model Rules but draws extensively from judicial decisions in malpractice and disqualification cases, the new Restatement of the Law Governing Lawyers, and other sources of law. A major theme is the relationship between state bar disciplinary rules and the generally applicable law of tort, contracts, agency, procedure, and crimes. Another significant theme is the prevention of attorney discipline and malpractice liability through advance planning.

**LAW 665(6651) Law of Branding and Advertising: Trademarks, Trade Dress, and Unfair Competition**

Fall. 2 credits. S-U or letter grades. N. D. St. Landau.

Fundamental trademark, trade dress, and false advertising laws are examined in the context of assisting clients to execute branding and marketing strategies. Special focus is given to branding as it relates to: "consumer products companies;" the impact of e-business and the internet on branding strategies and acquisitions; and complex proof issues in trademark and domain name litigation. Marketing strategies embody fundamental and long-established principles of the trademark laws. The Lanham Act is used to address issues ranging from confusingly similar words and designs, to false and unsubstantiated advertising claims, and public appropriation—and misappropriation—of long-established corporate icons in today's e-commerce world. This course examines the basics of this rapidly changing body of law.

**LAW 666(6661) The Law of the European Union**

Spring. 3 credits. S-U or letter grades. M. Lasser.

This course introduces students to the law and institutions of the European Union. It examines the composition, organization, functions and powers of the Union's governing bodies; analyzes the Union's governing treaties and constitutional law; and studies the Union's decision-making processes. It also explores broader questions of political, economic and legal integration, such as the proper relation between the Union's law and the domestic law of the Union's Member states, and the desirability and feasibility of using the E.U. as a model on which to pattern other transnational agreements.

**LAW 668(6681) International Law and Direct Foreign Investment**

Spring. 3 credits. Letter grades only. M. B. Ndulo.

This course studies legal aspects of direct foreign investments and seeks to identify legal problems that are likely to affect a commercial investment in a foreign country. Inter alia, it deals with the public international law principles and rules governing the establishment by foreign businesses of various factors of production (persons and capital) on the territory of other states and the protection of such investments. Thus, it includes a discussion of economic development and foreign capital; obstacles to the flow of investments to developing countries; guarantees to investors and investment codes; bilateral treaties; nationalization; joint ventures; project financing; transfer of technology; arbitration; investment insurance; unification of trade law; and the settlement of investment disputes.

**LAW 672(6721) Mergers and Acquisitions**

Fall. 3 credits. Letter grades only.

Prerequisite: Corporations/Business Organizations or equivalent for LLMs or permission of instructor. E. Nowicki.

This course examines the principal business and legal issues in the purchase and sale of publicly held businesses. Emphasis is placed on the duties of directors in the acquisitions of publicly held companies (including hostile takeovers).

**LAW 673(6731) Dispute Resolution: Negotiations, Mediation and Arbitration**

Fall. 3 credits. S-U or letter grades. Limited enrollment. J. Meyer, S. Yusem.

During the past decade, the field of alternative dispute resolution has virtually transformed the practice of law. Today, every lawyer has a professional responsibility to his or her clients to consider the most appropriate process available to resolve issues. The course explores the characteristics of negotiation, mediation and arbitration as well as the ethical concerns inherent in them, employing not only Socratic dialogue but also interactive and videotape dispute simulations, enabling the student to engage as a negotiator, dispute resolution advocate, mediator and arbitrator.

**LAW 674(6742) Patent Law and Trade Secrets**

Fall. 3 credits. O. Liivak.

This course focuses on U.S. patent law while also touching on the related law of trade secrets. It covers the core doctrinal elements and policy issues in the field. It explores patent law's impact in diverse areas such as computer-related inventions and biotechnology. No technical background is required.

**LAW 675(6751) Partnership Taxation**

Fall. 3 credits. S-U or letter grades.

Prerequisite: Federal Income Taxation. R. Schnur.

Because of the emergence of limited liability companies as the entity of choice for many start-up and mature businesses, and because many investment funds and similar financing entities are now structured as partnerships or limited liability companies, the subject of partnership taxation has over the past decade or so become increasingly important in business and finance transactions. In addition, LLCs and partnerships retain their traditional role as the vehicles for most real estate ventures. This course covers the basic and

intermediate principles governing the manner in which partnerships and LLCs are taxed under the Internal Revenue Code, and also explores current controversial issues relating to this subject.

**LAW 678(6781) Products Liability**

Spring. 3 credits. Letter grades only.

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 Third of Torts: Products Liability.

**LAW 679(6791) Public International Law**

Fall. 3 credits. S-U or letter grades.

M. Ndulo, D. Wippman.

An introduction to the legal rules governing the conduct of states vis-à-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 criminal and humanitarian law; terrorism; and human rights. Special attention is given to the law governing the use of force.

**Law 679(6792) Real Estate Transactions and Deal Structuring (also CRP 629)**

Spring. 3 credits. S/U option available.

D. Funk.

For description, see CRP 629.

**LAW 680(6801) Remedies in Litigation**

Fall. 3 credits. Letter grades only.

E. Sherwin.

This course examines the remedial consequences of lawsuits and the remedial choices open to litigants: essential strategic information for students considering a litigation-oriented practice. It covers compensatory remedies, injunctions, and special remedies such as constructive trusts. It also clarifies the meaning of equity and the role of equity in modern American law, as well as the developing law of unjust enrichment. The focus is on private law (tort, contract, property), but we also cover remedies for enforcement of Constitutional rights and public law.

**LAW 681(6811) Secured Transactions**

Fall. 2 credits. S-U or letter grades.

A. Shapiro.

A study of Article 9 of the Uniform Commercial Code, the law regarding security interests in personal property. In a secured transaction, a creditor may resort directly to particular assets of the debtor, whether tangible or intangible if an obligation is not met. Secured transactions are an integral part of the complex world of commercial finance. They help fuel the economy by enabling debtors to borrow more freely and lenders to better manage risk. On the other hand, if a debtor becomes insolvent, there might be nothing left for other creditors or tort victims because Article 9 enables lenders who take security to claim virtually all the debtor's assets. The first goal of the course is for students to become familiar with the substantive law, and particularly to learn to recognize when Article 9 applies to a transaction, which may not be immediately apparent. Second, working through the intricacies of Article 9 helps students sharpen

their skills in statutory interpretation. Finally, we address theoretical issues involved in security and debt. There is no prerequisite for this course. (Students with particular interest in commercial law may wish to study bankruptcy as well as secured transactions, but this can be done in either order.)

**LAW 682(6821) Securities Regulation**

Fall. 3 credits. S-U or letter grades.  
E. Nowicki.

This course focuses on the regulation of two key aspects of the U.S. capital markets: the primary markets for raising capital from public investors governed by the 1933 Securities Act (33 Act), and trading securities in the secondary market governed by the 1934 Securities Exchange Act (34 Act). We discuss the complex substantive and financial disclosure obligations required under U.S. federal securities laws, including the interaction between the 33 Act and 34 Act schemes via integrated disclosure, the preparation of disclosure documentation, exemptions from disclosure requirements and private placements, the relationship between disclosure and various anti-fraud rules, and the duties of the main participants in securities transactions. Throughout, students are asked to consider the role and development of the Securities and Exchange Commission (SEC), first authorized under the 34 Act, as a significant actor in the rise of the modern regulatory state.

**LAW 682(6822) Social Science and the Law**

Spring. 3 credits. S-U or letter grades.  
V. Hans.

This course examines the relationship of social science to law, focusing on the growing use of social science in the legal system. Over the past several decades, increasing numbers of social scientists have conducted systematic research on the operation of law and legal institutions. At the same time, social scientists themselves are testifying as experts in increasing numbers, encouraging lawyers and judges at both the trial and appellate levels to rely on social science evidence to decide cases. Social science research is also used as a tool in law reform. The aim is to develop a critical analysis of these uses of social science in law and litigation. Are social scientists asking the right questions? Are lawyers, judges, legislators, and legal reformers using social science findings appropriately? Is the law's increasing reliance on social science problematic or advantageous—or both?

**LAW 683(6831) Social Security Law**

Spring. 3 credits. S-U or letter grades.  
P. W. Martin.

The course focuses especially on how Social Security's benefit rules relate to employment, families, and household composition and how its procedures address the challenge of adjudicating the massive numbers of benefit claims that arise each year. It introduces the general features of the Social Security Act's entitlement, benefit formulae, and procedural rules; highlights those that pose the greatest difficulty to administrators and advocates; and surveys current proposals for change. All instruction and discussion takes place on-line.

**LAW 684(6841) Sports Law**

Spring. 2 credits. Recommended prerequisites: Antitrust Law and Labor Law. Meets for 10 weeks. S-U or letter grades.  
W. B. Briggs.

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

**LAW 686(6861) Supervised Teaching**

Fall or spring. 1 or 2 credits. S-U grades only.

Arrange directly with instructor. Registration form available from registration site or registrar's office.

**LAW 687(6871) Supervised Writing**

Fall or spring. 1, 2, or 3 credits. S-U grades only.

Arrange directly with instructor. Registration form available from registration site or registrar's office.

**LAW 688(6881) Supervised Teaching and Supervised Writing—Lawyering Program Honors Fellows**

Yearlong. 4 credits. S-U grades only.

Prerequisite: application process.

Registration form available from registration site or registrar's office.

Lawyering Program Honors Fellows serve for the full year as teaching assistants in the Lawyering course. With training and guidance from the Lawyering faculty, the Fellows work one-on-one with first-year students on the various writing projects. In addition to meeting regularly with students and reviewing and critiquing their work, Fellows may help design writing and research assignments, prepare model memoranda, participate in role-playing exercises during mock interviewing or negotiating sessions, judge oral arguments, and assist the librarians with research training. The Fellows are also responsible for teaching and holding classes on the Bluebook. Additionally, they mentor the entering students to help them make the most of the foundational first year of law school. The Fellows may hold workshops on basic law school skills and, during the spring semester, under the direction of the Dean of Students, a small group of Fellows may tutor first-year law students.

**LAW 689(6891) Taxation of Corporations and Shareholders**

Fall. 3 credits. S-U or letter grades.  
Prerequisite: Federal Income Taxation.  
R. A. Green.

This course examines the federal income taxation of corporate transactions, including incorporations, dividends, redemptions, liquidations, and reorganizations.

**LAW 690(6901) Terrorism and the Law**

Spring. 3 credits for law students, 4 credits for undergraduates. S-U or letter grades.  
S. D. Clymer and B. K. Sannes.

The course focuses on the ways in which the U.S. legal system has responded to the threat of terrorism. It examines terrorism related developments in laws governing criminal investigations and prosecutions, domestic intelligence gathering, immigration, and treatment of accused terrorists detained by military authorities. It also explores the ways in which terrorism is defined, and how certain groups are designated as terrorist organizations and certain individuals as terrorists. Topics include laws designed to prevent the provision of material support and funding to suspected terrorist organizations; the USA PATRIOT Act; the detention of people

alleged to be "enemy combatants"; the use of electronic surveillance to gather intelligence and prosecute suspected terrorists and their supporters; interrogation and torture; the use of military tribunals for suspected terrorists; and the interplay between intelligence gathering and criminal prosecution. Throughout the semester, we explore the ways in which efforts to safeguard national security pose a threat to liberty and privacy rights. The course is open to second and third year law students and upperclass undergraduate students. There are separate grading curves for law students and undergraduates.

**LAW 692(6921) Trial Advocacy**

Spring. 4 credits. S-U or letter grades.  
Pre or corequisite: Evidence. Limited enrollment. G. G. Galbreath.

This course is a 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, exhibits, impeachment, expert witnesses, child witnesses, summation, and pretrial. In addition to weekly exercises on a particular segment of a trial, the student also does a full-day jury trial at the end of the course. Video equipment is used to teach and critique student performance. There are occasional written assignments; class attendance is mandatory.

**LAW 694(6941) Trusts and Estates**

Fall. 4 credits. S-U or letter grades.  
G. S. Alexander.

The course surveys the basic law of succession to property, including wills and intestate succession, and the law of trusts. Students are introduced to aspects of estate planning. While tax aspects of wealth succession are not studied in detail, they are mentioned from time-to-time.

## PROBLEM COURSES AND SEMINARS

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

Admission to all problem courses and seminars determined by lottery.

**LAW 700(7002) Advanced Civil Procedure**

Spring. 3 credits. S-U or letter grades.  
Limited enrollment. Satisfies writing requirement. K. M. Clermont.

A complement to the first-year civil procedure course. Topics normally just touched on in the first year are studied in greater depth. Students produce a short paper every few weeks on assigned problems. This year's topics revolve around complex litigation.

**LAW 703(7031) Advanced Legal Research**

Spring. 3 credits. Letter grades only.  
Prerequisite: Lawyering. Limited enrollment. Satisfies writing requirement.  
P. G. Court, J. Jones, M. Morrison.

This seminar teaches cutting-edge research techniques to prepare students for practice in the law office of the future. It focuses on desktop electronic legal research and covers U.S., international, and foreign law, as well as multidisciplinary research. It is designed to teach students, whose careers will begin in a period of information transition, how to

handle traditional and electronic sources and formats and make efficient choices.

**LAW 705(7052) Advanced Persuasive Writing and Appellate Advocacy**

Fall. 3 credits. Letter grades only. Limited enrollment. Satisfies writing requirement. B. Bryan.

Students master the art of persuasive writing and oral advocacy. Lecture topics include: knowing your audience; writing a Statement of Facts that appears objective but subjectively persuades; what good judges are taught about good writing; methods to achieve clarity, brevity and logic; issue selection; the effective use of precedent; establishing credibility; understanding non-legal factors that influence decisions; the interplay between judges and their law clerks; appellate procedure and standards of review; the winning opening statement; and handling questions from the bench. Students critique actual briefs, judicial opinions and oral arguments for technique and persuasive value. Guest speakers, including judges of the U.S. Court of Appeals for the Second Circuit and federal prosecutors, provide advice and recommendations. Students apply what they have learned to the drafting of an appellate brief based on an actual court record. The brief is written in stages and followed by one-on-one critiques. Students also present an oral argument. Initial practice arguments are critiqued by the professor and student panels, and the final argument is judged by the professor.

**LAW 705(7051) African Americans and the Supreme Court**

Spring. 3 credits. Letter grades only. Limited enrollment. Satisfies writing requirement. B. Holden-Smith.

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 seminar 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. We begin 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 708(7081) Appellate Advocacy and Appellate Courts**

Fall. 3 credits. Letter grades only. Limited enrollment. Satisfies writing requirement. J. B. Atlas.

This seminar examines the law and skills integral to representing a client on appeal. It is loosely divided into three parts: (1) principles of appellate law, including standards of review, the preservation doctrine, harmless-error analysis, and remedies; (2) the unique role of appellate counsel, including ethical duties to the court and client; and (3) appellate skills, including client counseling, issue selection, brief-writing, and oral argument. Miscellaneous additional topics include motion practice, leave applications, and the role of law clerks in the decision-making process. Students read and analyze the record of a criminal proceeding, assess and research potential appellate issues, and prepare a brief for either the prosecution or defense. Each student also orally argues the case in a moot-court session.

**LAW 709(7091) Biblical Law**

Fall. 3 credits. S-U or letter grades. Limited enrollment. Satisfies writing requirement. 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, legal issues in the narratives, law and morality, law and religion, the transformation of extralegal relations into legal ones, legal interpretation in antiquity, social factors in legal development, and aspects of criminal, family, and private law.

**LAW 709(7092) Catholic Thought and the Law**

Fall. 3 credits. S-U or letter grades. Limited enrollment. Satisfies writing requirement. E. Penalver.

With a Catholic majority on the Supreme Court, it is more important than ever to understand the distinctive features of the Catholic jurisprudential tradition. This course serves as a broad introduction to Catholic social teaching as it has developed since the Pope Leo XIII's landmark 1891 encyclical, *Rerum Novarum*. Readings range from church documents to scholarly commentary. Topics include the relationship between morality and law, economic justice and the welfare state, the Theology of Liberation, the death penalty, abortion, and assisted suicide.

**LAW 710(7101) Central Topics in Jurisprudence and Legal Theory**

Fall. 3 credits. Letter grades only. Limited enrollment. Satisfies writing requirement. R. S. Summers, S. Goldstein.

This seminar addresses four related topics that arise in all discrete law school courses: (1) the overall forms and complementary material or other components of the main functional legal units of a system of law, including those that are institutional such as legislatures and courts, preceptual such as rules and principles, and enforceive such as sanctions and remedies, (2) the distinctive bearing of various concepts of justice on the makeup and operation of functional legal units and other phenomena of law, with four weekly sessions on procedural justice, (3) the special and extensive nature of the resources of reason and argument in the law, and (4) the major facets of the "legal positivism vs. natural law" debate. Assigned materials include a recent book by Prof. Summers; selected jurisprudential readings, judicial opinions, statutes, and other primary sources. There is extensive opportunity for discussion. The grade is based on a paper and class discussion.

**Law 716(7162) Contemporary American Jury**

Spring. 3 credits. S-U or letter grades. Limited enrollment. Satisfies writing requirement. V. Hans.

This course evaluates claims about the benefits and drawbacks of the contemporary American jury. Drawing on the work of legal scholars and social scientists, we explore a range of topics relating to criminal and civil juries, including: jury selection; the use of jury consultants; juror perceptions of attorneys, evidence, and experts; individual and group decision-making processes; jury instructions; jury deliberations; damage awards; juries in death penalty cases; and jury reform. By studying legal and empirical scholarship about the jury, participants should develop insights into jury trial functioning and policy debates over the jury's role.

**LAW 716(7163) Contract Law in the Electronic Age**

Spring. 3 credits. Letter grades only. Limited enrollment. Satisfies writing requirement. R. A. Hillman.

This seminar covers the law governing various aspects of E-Commerce, with a focus on the law of software contracts. Topics include electronic standard forms, terms after payment, copyright and patent preemption of software contracts, choice of law, software quality issues, and the open-source software movement.

**LAW 717(7171) Corruption Control**

Spring. 3 credits. S-U or letter grades. Limited enrollment. Satisfies writing requirement. R. C. Goldstock.

This seminar analyzes the types of corruption that exist in both the public and private sectors, the means by which a variety of criminal and nontraditional remedies may be used to reduce the frequency and impact of corrupt activities, and the constitutional and statutory problems implicated by such approaches.

**LAW 716(7165) Criminal Law Theory**

Spring. 3 credits. S-U or letter grades. Limited enrollment. Satisfies writing requirement. S. P. Garvey.

This seminar explores a variety of theoretical issues arising within the substantive criminal law. In particular, we discuss various justifications for state punishment and theories of excuse, the heat of passion defense, the legitimacy of imposing punishment for negligence, the relevance of resulting harm to criminal liability, the defenses of duress and insanity, and the doctrine of imperfect self-defense.

**LAW 719(7191) eLaw**

Fall. 3 credits. Letter grades only. Limited enrollment. Satisfies writing requirement. P. W. Martin.

An exploration of the impact of the digital information and communication technology on how core activities of the "law" are carried out. The seminar traces the rapid spread of electronic systems of creation, storage, and dissemination of primary legal information, beginning with the emergence of viable commercial online systems in the 1980s. It looks at the current state of and issues raised by electronic self-publication on the part of legislative bodies, courts, and administrative bodies and investigate other issues of law and practice generated by the transformation of a paper and print-based legal system to one premised on nearly ubiquitous access to computers and electronic communication. Among the latter are questions of copyright, citation practice, "official publisher" designation, the role of the commercial sector and NGOs like Cornell's Legal Information Institute in the dissemination and application of law, post-release editorial revision, the privacy interests of those involved in legal proceedings, filing formats, and adjudicative procedures. While the course focuses initially on these phenomena and issues as they are playing out within the U.S., student projects may pursue any of these topics from a comparative perspective.

**LAW 719(7193) Estate Planning Issues for Gay and Lesbian Couples**

Fall. 3 credits. Letter grades only. Prerequisite: Trusts and Estates. Limited enrollment. Satisfies writing requirement. G. Alexander.

This seminar explores special problems and issues that gay and lesbian couples may face in planning their estates and the challenges facing lawyers who plan the estates of gay or lesbian clients. Topics include the status of gay and lesbian partners under intestacy laws and elective share statutes, the effective of domestic partnership and civil union statutes on inheritance rights between gay and lesbian partners, special problems of adoption and its effect on intestate succession and construction of class gifts, and will contests involving wills of gay or lesbian decedents. Materials include cases, statutes, and articles. The grade is based on class participation and a final paper.

**LAW 726(7261) Feminist Jurisprudence**

Spring. 3 credits. Letter grades only. Limited enrollment. Satisfies writing requirement. C. Bowman.

This seminar examines the role of law, and, more generally, the role of the state, in perpetuating and remedying inequities against women. After studying the historical emergence of sexual equality law in the U.S., we discuss several paradigmatic feminist legal theories, including formal equality, MacKinnon's "dominance" theory, relational feminism, pragmatic feminism, and various anti-essentialist theories. We then apply these analytical structures to various substantive areas of law of particular concern to women, including but not limited to rape and other types of violence against women; abortion, surrogacy and other reproductive rights issues; pornography; prostitution; and problems encountered by women in the legal profession.

**LAW 729(7291) Global and Regional Economic Integration: The WTO, EU, and NAFTA**

Fall. 3 credits. S-U or letter grades. Limited enrollment. Satisfies writing requirement. J. J. Barceló III.

The seminar studies the process of international economic integration occurring both globally and regionally. In the global context it takes up a basic introduction to WTO law and selected problems. In the regional context it takes up a basic introduction to the European Union, including the institutional and lawmaking processes, the direct effect and supremacy of EU law, and the development of the four freedoms (goods, services, persons, and capital). A basic introduction to NAFTA is also included. Student seminar papers may deal with issues arising within any of the three regimes. Comparative studies are encouraged.

**LAW 731(7311) Immigration and Refugee Law**

Fall. 3 credits. S-U or letter grades. Prerequisite: Constitutional Law. Limited enrollment. Satisfies writing requirement. 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, administrative, and policy materials.

**LAW 732(7321) International Criminal Law**

Spring. 3 credits. Letter grades only. Limited enrollment. Satisfies writing requirement. M. B. Ndulo.

The seminar examines the questions surrounding international criminal law as a separate discipline and the sources of and basic principles underlying the subject. Particular attention is paid to the question of jurisdiction over international crimes. It considers international crimes such as aggression; war crimes, crimes against humanity, terrorism, and torture. It also considers the treatment of past human rights violations in post conflict situations. It further considers procedural aspects of international criminal law and the forums that deal with international crimes. In that context, it looks at the structure, jurisdiction and jurisprudence of Truth Commissions; the International Criminal Court (The Rome Statute); the former Yugoslavia Tribunal; Rwanda Tribunal and extradition and mutual legal assistance. The format is class discussions of assigned readings. Final assessment is based on participation in class discussions and a written paper on a subject within the themes of the seminar. Paper topics must be submitted to the instructor for review no later than the third week of class. Each student gives a class presentation based on his or her paper.

**LAW 734(7341) International Environmental Law**

Spring. 3 credits. S-U or letter grades. Limited enrollment. Satisfies writing requirement. D. A. Kysar.

In recent decades, recognized environmental problems have expanded in scope from primarily national and regional threats into challenges of a truly global character. Correspondingly, international environmental law has grown from a relatively minor branch of international law primarily concerned with questions of state responsibility for cross-border pollution, into an expansive area of international law covering numerous environmental issues and involving a wide range of international organizations. This seminar analyzes and assesses the various principles and rules of international law that have been developed to deal with problems of global environmental import, including the processes by which they have been drafted, implemented, and enforced. Specific topics may include control of air and water pollution, environmental disasters, disposal of hazardous wastes and trade in hazardous chemicals, ozone depletion, climate change, conservation of natural resources and biological diversity, management of international rivers, and the relationship between environmental protection and economic development. No prerequisites.

**LAW 734(7342) International Financial Institutions**

Spring. 3 credits. S-U or letter grades. Limited enrollment. Satisfies writing requirement. R. C. Hockett.

An introduction to the practices and legal regulation of, as well as some opportunities and policy concerns raised by, cross-border financial intermediation. We begin with an overview of the principal instruments and

institutions through which suppliers and users of financial capital and risk-bearing services are brought together. Next we cover the internationally relevant features of the domestic regulatory regimes that govern the largest and now increasingly "globalized" domestic financial institutions and markets. Next we cover the principal gaps in and challenges faced by these domestic regimes. The discussion of global gaps and challenges takes us to the emerging "international financial architecture." Three main concerns animate our study: (a) the dangers of systemic risk that the international financial system must address, (b) the fairness and efficiency of the distribution of financial opportunity that the system yields, and (c) the political legitimacy of the processes by which the legal contours of the global financial system are established and structured. No specific degree of expertise in financial or international law or economics is required, but prior course work or experience in one or more of these fields enhances classroom discussion. Take-home exam or paper option.

**LAW 733(7332) International Women's Rights**

Fall. 3 credits. Letter grades only. M. E. Greenberg.

Since the Fourth World Conference on Women in 1995 and the Beijing Platform for Action, the focus on women's rights has expanded in several ways: further engaging women all over the world, reaching beyond international frameworks to the national and community levels, focusing more on involving men as well as women in understanding and promoting respect for women's rights, and paying particular attention to economic and social rights. There has also been more regional collaboration for women's rights. This new seminar lays preliminary foundations regarding what a "right" is and reviews the history of international women's rights activism. It then covers the major international laws and institutions, most notably CEDAW and the Commission on the Status of Women, the Rome Statute and International Criminal Court, and the Beijing Platform for Action; and some regional illustrations as well. The seminar shifts midway to the problems of realizing rights at the national level and community levels. We look at Constitutions and national legislation with a focus on property, employment, and political rights. We consider issues of legal literacy and access to law, and look at work by regional women's networks and non-governmental organizations. Throughout, we consider how religion and culture, gender equality objectives, and gender mainstreaming relate to achieving lasting respect for women's rights. Requirements are participation in seminar discussions, suggesting discussion questions for one class session, a take-home midterm exam, and a final paper.

**LAW 737(7371) Islamic Law and History**

Spring. 3 credits. S-U or letter grades. Limited enrollment. Satisfies writing requirement. D. S. Powers.

This course is designed to introduce law students to the terminology, principles, and concepts of classical Islamic law. After discussing the origins and evolution of Islamic law, we turn first to the organization of qadi courts (procedure and evidence) and then to specific areas of the law, e.g., personal status, the intergenerational transmission of property, commerce, and crime. The application of legal doctrine to actual disputes are analyzed



through the reading of expert judicial opinions or fatwas (in English translation) issued in connection with medieval and modern court cases. No prerequisites.

**LAW 741(7411) Law and Higher Education**

Spring. 3 credits. S-U or letter grades.

Prerequisite: Constitutional Law or Administrative Law. Limited enrollment.

Satisfies writing requirement. 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 and external that influence how they are managed and how policies are shaped. This seminar explores the dynamic tensions, high expectations, and complex legal-policy issues universities and colleges face in fulfilling their mission.

**LAW 741(7412) Law and Humanities Colloquium**

Spring. 3 credits. Letter grades only.

Limited enrollment. Satisfies writing requirement. B. Meyler.

This colloquium brings together scholars working at the forefront of legal history, law and literature, law and culture, and critical theory from the institutional vantage points of both law and the humanities. Presenters are asked to speak not only about their specific research but to address where their work is situated within new developments in law and humanities as a whole. The first three weeks are a seminar designed to apprise students of the history of law and humanities within this history. The rest of the course is organized around a series of speakers, some from Cornell and some from other universities. Students convene for a half hour at the beginning of the session, which is then opened to a larger community, including faculty members, for the talk itself. Students are required to write six three- to five-page papers responding to the speakers' pre-circulated talks; these are due in advance of the class session and shown to those lecturing to prompt and enhance discussion. Those who wish to take the course for credit must attend the first class.

**LAW 754(7541) Law and Violence Against Women**

Spring. 3 credits. Letter grades only.

Limited enrollment. Satisfies writing requirement. E. A. Sussman.

This seminar examines violence against women from theoretical and practical perspectives. It begins with a general introduction to various feminist theories, including among them: equality feminism, difference feminism, dominance feminism, anti-essentialist feminism, and post-modernism. We examine these theories to provide us with frameworks for analyzing concrete manifestations of violence against women in society, including: domestic violence, rape, sexual harassment, pornography, and prostitution. We seek to apply theories to practice and use the issues that arise in legal practice to further cultivate/refine the theories. By focusing on both theory and practice, students collectively work toward developing legal strategies for contending with violence against women. We encourage students to critique existing frameworks and to assume the role of social movement lawyers. Students write a

substantial research paper focusing upon a substantive problem related to violence against women.

**LAW 756(7561) Legal Aspects of Commercial Real Estate Development**

Spring. 3 credits. Letter grades only.

Limited enrollment. Satisfies writing requirement. 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, and 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. About half of the semester is devoted to commercial leases, conventional financing, and alternatives to conventional financing.

**LAW 757(7571) Legal Narratives**

Fall. 3 credits. Letter grades only. Limited enrollment. Satisfies writing requirement.

E. L. Sherwin.

This seminar takes an in-depth look at the factual, legal, and social background of notable legal decisions. It is based on a recently published series of texts presenting the "stories" behind well-known first year cases. After reading and discussing a selection of cases from these sources, each student prepares and presents his or her own case history of a case selected by the student, working from briefs, related legal material, secondary sources, and, if possible, contacts with lawyers and parties. Grades are based on papers and presentations.

**LAW 759(7593) Income Taxations of Corporate Mergers and Acquisitions**

Spring. 3 credits. S-U or letter grades.

Limited enrollment. Satisfies writing requirement. R. A. Schnur.

This advanced seminar first reviews the basic federal income tax principles governing taxable and non-taxable corporate mergers and acquisitions, and then introduces students to some of the more complex transactional tax issues and explores how these tax concepts are utilized in structuring acquisition transactions. The emphasis is on domestic rather than cross-border acquisitions. There is no final examination, but students are asked to prepare several planning memoranda directed at different merger and acquisition fact patterns.

**LAW 760(7601) Organized-Crime Control**

Fall. 3 credits. S-U or letter grades. Limited enrollment. Satisfies writing requirement.

R. C. Goldstock.

This seminar explores the challenges organized crime poses to society and to traditional law enforcement techniques. Students undertake a simulated investigation using physical and electronic surveillance, the analysis of documentary evidence, and the examination of recalcitrant witnesses before the grand jury. The RICO statute is explored in detail as well as a variety of non-criminal remedies including forfeiture and court-imposed trusteeships.

**LAW 761(7611) Philosophical Foundations of Legal Ethics**

Fall. 3 credits. Letter grades only.

Limited enrollment. Satisfies writing requirement and professional responsibility requirement. W. B. Wendel.

This seminar examines legal ethics from the standpoint of moral and political philosophy. We examine such questions as the relationship between ordinary morality and professional obligations; whether professionals may be blamed morally for their clients' ends or for activities taken pursuant to professional roles; and the relationship between legal and political institutions and moral values. In addition to reading classic and recent articles, we apply theoretical models to practical ethical dilemmas faced by lawyers. No background in philosophical ethics is presumed. We begin with a brief introduction to the subject through Bernard Williams's short book, *Ethics*. This seminar satisfies law school and ABA professional responsibility requirements but is not intended as preparation for the MPRE or an introduction to the law governing lawyers.

**LAW 767(7671) Psychological Expert Testimony in the Courts**

Fall. 3 credits. S-U or letter grades. Limited enrollment. Satisfies writing requirement.

J. J. Haugaard, A. J. Mooney.

This seminar is cross-listed in the Law School and in the College of Human Ecology. Second and third year law students, graduate students in the Department of Human Development and graduate students in the Psychology Department may enroll. Students explore the use of expert psychological testimony in legal proceedings. Law students and psychology students work together to present current, accurate psychological testimony in a simulated courtroom setting. Law students teach psychology students to offer testimony and to withstand cross-examination. Psychology students assist law students to conduct cross and direct examinations in a particular area of psychological knowledge by educating the law student in that particular area. Together the students explore the scientific and ethical limitations of what an expert's testimony may include. All students enhance their oral advocacy skills, and law students enhance their writing skills by preparing motion memos, trial briefs or written closing arguments.

**LAW 768(7682) Religion and the State**

Spring. 3 credits. S-U or letter grades.

S. H. Shiffrin.

An examination of legal, historical, sociological, theological, and political theoretical perspectives on the relationship between religion and the state.

**LAW 777(7771) The Supreme Court**

Spring. 3 credits. Letter grades only.

Limited enrollment. Satisfies writing requirement. T. W. Morrison.

This seminar examines the U.S. Supreme Court from a variety of perspectives. From a historical standpoint, we look at the origins of the Court, variations in its work over time, and changes in its relationship to the other branches of government and American society more broadly. From a political science standpoint, we consider the institutional development and behavior of the Court as well as empirical evidence about the Court's decisions. From a doctrinal standpoint, we study trends in certain areas of the Court's jurisprudence, and also examine some of the

cases on the Court's 2006-07 docket. Readings include Supreme Court cases, legal briefs, and academic writing in law, history, and political science. The principal writing requirement is a final research paper, but interested students may be able to help prepare a Supreme Court brief or briefs instead.

#### **LAW 778(7782) Transnational Labor Standards**

Fall. 3 credits. Letter grades only. Limited enrollment. Satisfies writing requirement. A. S. Hyde.

Numerous public and private institutions attempt to regulate basic labor conditions in countries with low labor standards. The seminar examines these institutions critically, examining for each the law on the books, the actual achievements, and the theoretical potential in light of economics of trade. We start with a brief introduction to the economics of trade and then examine the following public and private institutions that attempt to regulate labor standards: the International Labor Organization and its standards; U.S. employment laws with extraterritorial effects; health and safety standards enforced in U.S. tort suits; labor standards enforced under the Alien Tort Statute; labor standards in U.S. trade laws; labor standards in trade agreements; proposals to add labor standards to the trade rules enforced by the World Trade Organization; labor standards enforced by international lending institutions; transnational union cooperation and the resulting labor standards; and corporate codes of conduct and other labor standards unilaterally maintained by corporations, often in response to consumer pressure by activists.

## **CLINICAL COURSES AND EXTERNSHIPS**

All clinical courses and externships have limited enrollment.

Admission to all clinic courses is instructed selected.

#### **LAW 780(7801) Asylum and Convention Against Torture Appellate Clinic**

Spring. 4 credits. S-U or letter grades. Limited enrollment. S. Kalantry, S. W. Yale-Loehr.

Students write appellate briefs to the Board of Immigration Appeals on behalf of clients who have petitioned to remain in the U.S. because they fear persecution or torture in their home countries. These clients have represented themselves pro se in Immigration Court. During the first part of the semester students learn substantive and procedural asylum and Convention Against Torture (CAT) law, such as the nature of persecution, grounds for asylum and CAT claims, and the practical and social effects of these laws on new immigrants who seek asylum or CAT relief. Classes may also cover practical knowledge needed for effective representation, such as advanced research and writing skills. During the second half, students work in teams of two on appellate briefs that not only entail serious legal analysis but may require sociocultural and political research, so the students can effectively write about the conditions of the client's home country. Students communicate with clients (although some may be incarcerated and many are out-of-state).

Students may also locate expert and other witnesses and draft affidavits and motions. The cases provide a basis for more in-depth substantive learning as well as practical skills and attorney-client issues. In class, each team discusses the legal and practice issues that arise in their case, so all students can benefit from and assist with each case.

#### **LAW 781(7811) Capital Punishment Clinic: Post-Conviction Litigation**

Spring. 4 credits. S-U or letter grades. Prerequisite: permission of instructor; Criminal Procedure or criminal law experience preferred. Limited enrollment. J. H. Blume.

Death penalty post-conviction litigation: investigation and the preparation of petitions, memoranda, and briefs. This course is taught as a clinic. Students work on two or possibly three capital cases. Case selection depends on pedagogical factors and litigation needs of the inmates. Students read the record and research legal issues. Some students are involved in investigation, while others assist in the preparation of papers. All students are included in discussions regarding the necessary investigation, research, and strategy for the cases.

#### **LAW 783(7832) Criminal Defense Trial Clinic**

Spring. 4 credits. S-U or letter grades. Prerequisite: Evidence recommended or permission of instructor. Limited enrollment. L. Salisbury.

Students represent defendants in non-felony, non-jury criminal cases. The course has both a classroom and courtroom component. The classroom component focuses on all aspects of handling a criminal case, including criminal law and procedure, ethics, trial strategy, plea bargaining and trials. The courtroom component involves attendance at court proceedings, including pre-trial conferences. Each student interviews clients and witnesses, prepares clients and witnesses for trial, conduct negotiations, does legal research, conducts fact investigation, prepares discovery demands and engages in motion practice.

#### **LAW 783(7831) Full-Term Externship**

Fall or spring. 12 credits. S-U grades only. Prerequisite: permission of instructor. Limited enrollment. G. G. Galbreath (fall), J. M. Miner (spring).

Students earn 12 credit hours as externs working full time at approved placement sites during the fall semester of their third year. Written application for the course must be submitted to the instructors in March of the preceding spring semester. The instructors review the applications and grant students conditional approval, contingent on acceptance by the placement and identification of an attorney at the placement who will supervise and mentor the extern. In addition to his or her work responsibilities for the placement, the extern prepares weekly journal entries, provides samples of written work product, engages in regular electronic communication with the instructors, hosts the instructors for a site visit, and does a written evaluation of the placement experience.

#### **LAW 785(7855) International Human Rights Clinic**

Fall. 4 credits. S-U or letter grades. Limited enrollment. G. Gutierrez.

This clinic focuses on challenges to U.S. detention, interrogation, and rendition policies and practices in the global war on terror.

As we review the substantive international legal framework, clinic students research U.S. practices that violate domestic and international human rights prohibitions against torture; cruel, inhuman and degrading treatment; arbitrary detention; and enforced disappearances. During the first class, we review the various clinic projects and students submit preference forms. Clinic projects may include preparing urgent appeals to treaty bodies on behalf of individual clients, working on human rights litigation in U.S. federal court or international regional courts, drafting monitoring submissions to treaty bodies, and drafting research reports. These projects involve legal research and writing, meetings with human rights attorneys, and client interviews.

#### **LAW 786(7861) Judicial Externship**

Fall or spring. 4 credits; 6-credit option possible if student and placement are willing to have student there two days a week. S-U or letter grades. Limited enrollment. G. G. Galbreath.

Students work with a trial court judge. Work involves courtroom observation, conferences with the judge, research and writing memoranda, and drafting decisions. The emphasis is on learning about judges, judicial decision-making process, and trials. Weekly class meetings include readings and discussions of topics related to the externship experience. While the primary focus is the student's work at the placement, each student also does class presentations, weekly journal entries, provides written work samples and meets individually with the faculty member.

#### **LAW 787(7871) Labor Law Clinic**

Spring. 4 credits. S-U or letter grades. Limited enrollment. A. B. Cornell.

Students are given a practical opportunity to learn labor law, while making meaningful contributions to the labor movement and working people. This clinic combines a substantive component with practical experience. Students advise labor unions on a variety of legal issues that surface during the semester and may have the opportunity to represent unions in different forums. Students communicate directly with union representatives and are required to sort through the facts, research the issues, and provide information and advice. Students routinely draft legal memoranda, prepare and file pleadings and briefs as required. They may have the opportunity to represent unions at hearings, mediation or arbitration. Those who do not have that opportunity are invited to observe hearings before the National Labor Relations Board, State Board or attend an arbitration. Effort is made to expose students to the nature of collective bargaining. A small number of students have the opportunity to dedicate their clinical time to international labor law. A small number have the opportunity to dedicate their clinical time to international labor law. Interested students can support the ongoing work of the International Commission for Labour Rights, which has several country-specific projects. Student contribution in this area is likely to be research oriented.

#### **LAW 788(7881) Law Guardian Externship**

Fall or spring. 4 credits. S-U or letter grades. Limited enrollment. J. M. Miner.

Students are placed at the Tompkins County Law Guardian office, where they assist the attorneys in the representation of children in

abuse and neglect cases, juvenile delinquency proceedings, and PINS (Person in Need of Supervision) cases. Students also may have their own cases, in which they assume primary responsibility for the representation. Duties may include interviewing, investigation, drafting memoranda and motions, and trial preparation. Students meet several times with the instructor during the semester. Bi-weekly journals are also required.

#### **LAW 790(7901) Legislative Externship**

Fall and spring. 3 credits. S-U or letter grades. Students selected by Assemblywoman Lifton. Limited enrollment. B. Strom.

Students work with the local New York State Member of Assembly. Work involves drafting legislation, tracking legislation for constituents, legal research and writing, and responding to constituent requests that particularly require legal research of 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. Students meet informally several times with the faculty supervisor related to the externship experience.

#### **LAW 791(7911-2-3) Neighborhood Legal Services Externship 1, 2 or 3**

Fall or spring. 4 credits. S-U or letter grades. Limited enrollment. B. Strom.

Classroom component is provided by Clinical Skills 1, 2 (fall), or 3 (spring) depending on whether the student has previously been enrolled in a course in which Clinical Skills 1 was a component. Cases involve the representation of clients of a legal services office, the Ithaca office of Neighborhood Legal Services (NLS). Along with case handling, this externship includes a classroom component, provided by Clinical Skills 1, 2, or 3. The classes are devoted to the development of lawyering skills and issues related to professional responsibility and the role of an attorney. In addition, each student meets periodically with the faculty supervisor for review of the placement experience.

#### **LAW 792(7921) Prosecution Trial Clinic**

Fall. 4 credits. S-U or letter grades. Prerequisite: Evidence or permission of instructor. Limited enrollment. R. A. Sarachan.

This course gives students the opportunity to prosecute non-felony non-jury trials in Ithaca City Court. It has both a classroom component and a courtroom component. The classroom component involves lecture, discussion and trial simulation exercises. Topics include criminal law and procedure, prosecution ethics, trial strategy and preparation, trial conduct including direct and cross-examination, plea-bargaining and professional judgment. The courtroom component involves regular attendance at Ithaca City Court's non-jury terms. Students observe and critique trials and prosecute offenses including traffic tickets, city code violations, non-felony penal law violations among others. Each student is expected to conduct multiple trials during the semester, depending on docket volume. During the semester students are also expected to prepare witnesses (typically police officers), conduct plea-bargaining negotiations, case research and fact investigation, respond to discovery demands, and engage in motion practice and appellate practice as needed.

#### **LAW 793(7931) Public Interest Clinic 1**

Fall or spring. 4 credits. S-U or letter grades. Limited enrollment.

G. G. Galbreath, J. Miner, B. Strom.

Students handle civil cases for low-income clients of the Public Interest Clinic under the supervision of clinic faculty. Students interview and counsel; investigate and analyze facts; interrelate substantive and procedural law with facts in the context of actual representation; develop strategies to handle clients' problems; identify and resolve professional responsibility issues; do legal writing; negotiate and settle cases; and represent clients in hearings. Classroom component is provided by the Clinical Skills 1 class, in which students develop interviewing, counseling, and advocacy skills through the use of readings, videotapes, discussions, and simulation exercises.

#### **LAW 793(7932) Public Interest Clinic 2**

Fall. 4 credits. S-U or letter grades.

Prerequisite: Public Interest Clinic 1 or a clinic course that included Clinical Skills 1 classroom component. Limited enrollment.

G. G. Galbreath, J. Miner, B. Strom.

Students handle civil cases, participate in a classroom component, Clinical Skills 2, and help supervise participants in Public Interest Clinic 1. Cases are handled as described in the course description for Public Interest 1. Students represent the clinic's clients in both federal and state courts. Clinical Skills 2 builds on the skills taught in Clinical Skills 1.

#### **LAW 793(7933) Public Interest Clinic 3**

Spring. 4 credits. S-U or letter grades.

Prerequisite: Public Interest Clinic 1 or clinic course that included Clinical Skills 1 classroom component. Limited enrollment.

G. G. Galbreath, B. Strom.

Students handle civil cases, participate in a classroom component, Clinical Skills 3, and help supervise participants in Public Interest Clinic 1. Cases are handled as described in for Public Interest 1. Students represent the clinic's clients in both federal and state courts. Clinical Skills 3 builds on the skills taught in Clinical Skills 1 and 2.

#### **LAW 795(7951-2) US Attorney's Office Clinic 1 or 2**

Fall or spring. 6 credits. S-U grades only. Limited enrollment. C. E. Roberts.

In this course law students work 12-15 hours per week for the U.S. Attorney's Office in Syracuse, N.Y. Each student works for an Assistant U.S. Attorney. Students perform research and writing and trial assistance as needed. They may qualify to appear in court under the supervision of their attorney and are encouraged to observe court proceedings in the U.S. Courthouse. They also attend a weekly two hour seminar at Cornell. The seminar focuses on writing in practice, including critiques of briefs, motions, and a petition for certiorari. Additional topics include federal criminal and civil practice, prosecutorial discretion, and habeas corpus. Guest speakers may include judges, a special prosecutor, and U.S. Department of Justice officials.

#### **LAW 796(7961-2) Water Law in Theory and Practice 1 and 2**

Fall and spring. 3 credits. S-U option only. Limited enrollment. Spring enrollment limited to students who were enrolled in Fall 2005 offering. K. S. Porter.

This course presents water law in theory and in practice, providing students practical opportunities to learn water law and to

experience its multiple aspects through meaningful contribution. Water law is the framework for protecting water resources and their uses. However, law relating to water is diverse, complex and often uncoordinated. This complexity is confounded by the inter-relationship between land and water. It is highly desirable for those involved with any aspect of the water sector to be aware of and understand relevant water law. It is also desirable to also understand how and why our water law has evolved, and to what extent it is effective in meeting its purposes. Compared to the western U.S., eastern water law has long had a low profile. Evolving water resource issues in the east, especially in their watershed context, now compel greater recognition. This course provides for research and practical experience, working with leading agencies and partners engaged in these watersheds. Students select and undertake projects in conjunction with these partners. They communicate directly with the leaders and staff involved in the watershed issues and are expected to compile relevant facts, critically research the issues, and provide information and conclusions in appropriate forums. The students participate in a Water Law Colloquia. Depending on student interest there is opportunity to undertake a project in association with the Land Use Law Center, Pace University. Students interested in comparative aspects of water law have an opportunity for a project on U.S. and European Water Law. The Water Resources Institute has excellent contacts in the United Kingdom.

## **NON-PROFESSIONAL COURSES-NOT OPEN TO LAW STUDENTS**

#### **LAW 313 Government (3131) The Nature, Functions, and Limits of Law**

Spring. 4 credits. Letter grades only.

Undergraduates only. A. Riles.

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. We analyze 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. Readings consist of judicial and administrative decisions, social scientific articles, and commentaries on the legal process.

#### **LAW 402(4021) Competition Law and Policy**

Spring. 4 credits. S-U or letter grades. No legal training or background required.

ECON 101 (Elementary Microeconomics) or its equivalent is a prerequisite; no advanced mathematics is used. G. A. Hay.

This course is intended for non-law students; interested law students should take the Antitrust Law course. The course examines issues that arise when a country attempts to implement and maintain a "competition policy" as a way of promoting economic growth and efficiency. The basic reading material starts with actual cases (most of them arising under U.S. antitrust law) and uses those cases to probe the legal, economic and broad policy issues that the cases raise.

**LAW 405(4051) The Death Penalty in America**

Fall. S-U option available. 4 credits.  
Undergraduates only. J. H. Blume,  
S. L. Johnson.

The death penalty gets increased media attention due to high profile death row exonerations and has long been under siege for other reasons. This course surveys the legal and social issues that arise in the administration of the death penalty. The reading is largely comprised of reported death penalty cases, but is augmented by a variety of other sources, including empirical studies of the death penalty and the litigation experience of the professors. Although we focus on capital punishment as practiced in the U.S., we also consider international and comparative perspectives. Guest speakers provide a range of views, and law students with experience working on capital cases lead discussion sections.

**LAW 408(4081) Law, Science, and Sustainability**

Fall. 4 credits. S-U or letter grades.  
Undergraduate and non-law graduate students only. D. A. Kysar.

This course concerns legal, scientific, and political dimensions of the emerging sustainability paradigm—that is, society's efforts to promote development and economic growth while maintaining the collective impact of human activity within environmentally sustainable parameters. Topics include: alternative policy frameworks for the pursuit of sustainable development; the nature of environmental risk and how it is assessed by both experts and the public; the interaction between law, politics, and the scientific enterprise; the status of non-nationals, future generations, non-human life forms, and other political outsiders; and, most important, the variety of legal tools that have been or could be used to promote sustainability. These theoretical topics are examined in conjunction with case studies of specific domestic and global environmental issues. This course is intended for upper level undergraduate and graduate students from a variety of fields and adopts a broadly interdisciplinary approach. As a result, no prior study in law is required.

**FACULTY ROSTER**

Alexander, Gregory S., J.D., Northwestern U.  
A. Robert Noll Prof.  
Barcelo, John J. III, S.J.D., Harvard U. William  
Nelson Cromwell Professor of International  
and Comparative Law  
Blume, John H., J.D., Yale U. Prof.  
Bowman, Cynthia G., J.D., Northwestern U.  
Visiting Prof.  
Buzbee, William W., J.D., Columbia U. Visiting  
Prof.  
Cui, Zhiyuan, Ph.D., U. of Chicago. Visiting  
Prof.  
Clermont, Kevin M., J.D., Harvard U. James  
and Mark Flanagan Professor of Law  
Clymer, Steven D., J.D., Cornell U. Prof.  
Cornell, Angela B., J.D., U. of Washington.  
Lec. in Law  
Eisenberg, Theodore, J.D., U. of Pennsylvania.  
Henry Allen Mark Professor of Law  
Farina, Cynthia R., J.D., Boston U. Prof.  
Garvey, Stephen P., J.D., Yale U. 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. Prof.  
Hans, Valerie P., Ph.D., U. of Toronto. Prof.  
Hay, George A., Ph.D., Northwestern U.  
Edward Cornell Professor of Law and  
Professor of Economics, College of Arts and  
Sciences  
Heise, Michael, Ph.D., Northwestern U. Prof.  
Henderson, James A., Jr., LL.M., Harvard U.  
Frank B. Ingersoll Professor of Law  
Hillman, Robert A., J.D., Cornell U. Edwin H.  
Woodruff Professor of Law  
Hockett, Robert C., J.S.D., Yale U. Asst. Prof.  
Holden Smith Barbara J., J.D., U. of Chicago.  
Prof.  
Hyde, Alan S., J.D., Yale U. Visiting Prof.  
Johnson, Sheri L., J.D., Yale U. Prof.  
Kalantry, Sital, J.D., U. of Pennsylvania. Lec.  
in Law  
Kysar, Douglas A., J.D., Harvard U. Prof.  
Lasser, Mitchel. Ph.D., Yale U. Prof.  
Lavie, Jean-Pierre, Ph.D., Graduate Institute  
of International Studies. Visiting Prof.  
Lehman, Jeffrey S., J.D., U. of Michigan. Prof.  
of Law  
Liivak, Oskar, J.D., Yale U. Visiting Asst. Prof.  
Martin, Peter W., LL.B., Harvard U. Jane M. G.  
Foster Professor of Law  
Meyler, Bernadette A., Ph.D., U. of California  
Davis. Asst. Prof.  
Morrison, Trevor W., J.D., Columbia U. Assoc.  
Prof.  
Ndulo, Muna B., D. Phil., Trinity C. Prof.  
Nowicki, Elizabeth A., J.D., Columbia U.  
Visiting Assoc. Prof.  
Penalver, Eduardo, J.D., Yale U. Assoc. Prof.  
Pils, Eva Marie, Ph.D., U. of London. Visiting  
Asst. Prof.  
Rachlinski, Jeffrey J., Ph.D., Stanford U. Prof.  
Riles, Annelise, Ph.D., U. of Cambridge. Prof.  
and Prof. of Anthropology, College of Arts  
and Sciences  
Rossi, Faust F., J.D., Cornell U. Samuel S.  
Leibowitz Professor of Trial Techniques  
Schanzenbach, Max M., Ph.D., Yale U. Visiting  
Asst. Prof.  
Schwab, Stewart J., Ph.D., U. of Michigan. Prof.  
Sherwin, Emily L., J.D., Boston U. Prof.  
Shiffrin, Steven H., J.D. Loyola U. of Los  
Angeles. Prof.  
Siegal, Jonathan, J.D., Yale U. Visiting Prof.  
Siliciano, John A., J.D., Columbia U. Vice  
Provost and Prof.  
Simson, Gary J., J.D., Yale U. Prof.  
Suchman, Mark C. Ph.D., Stanford U. Visiting  
Assoc. Prof.  
Summers, Robert S., LL.B., Harvard U. William  
G. McRoberts Research Professor in  
Administration of the Law  
Taylor, Winnie F., LL.M., U. of Wisconsin. Prof.  
Wendel, W. Bradley, J.S.D., Columbia U. Prof.  
Wippman, David, J.D., Yale U. Prof.

**Legal Aid Clinic**

Galbreath, Glenn G., J.D., Case Western  
Reserve U. Sr. Lec.  
Miner, JoAnne M., J.D., U. of Connecticut. Sr.  
Lec. and Director  
Strom, Barry, J.D., Cornell Sr. Lec.

**The Lawyering Program**

Atlas, Joel J.D., Boston U. Sr. Lec.  
Ciani Dausch Jessica, J.D., Georgetown U. Lec.  
Dole, Joseph C., J.D., Yale U. Lec.  
Mooney, Andrea J., J.D., Cornell U. Lec.  
Weigold, Ursula, J.D., Texas U. Visiting Lec.

**Academic Library Staff**

Callihan, Jean, Head of Research Services and  
Lec. in Law

Court, Pat, Associate Law Librarian and Lec.  
in Law

Finger, Charlie, Collection Development,  
Research Attorney, and Lec. in Law  
Germain, Claire M., LL.B., U. of Paris. Edward  
Cornell Law Librarian and Professor of Law  
Gillespie, Janet M., M.S., Cornell U.  
Administrative Supervisor/Access Service  
Jones, Julie, Research Attorney and Lec. in Law  
Mills, Thomas, Research Attorney and Lec. in  
Law  
Morrison, Matt, Research Attorney and Lec.  
in Law  
Pajerek, Jean M., M.L.S., SUNY-Albany. Head  
of Technical Services

**Members of Other Faculties Associated with the Law School**

Carmichael, Calum M., B. Litt., Oxford U.  
Prof., College of Arts and Sciences  
Cheyfitz, Eric, Ph.D., Johns Hopkins U. Ernest  
I. White Professor of American Studies and  
Humane Letters and Prof., College of Arts  
and Sciences  
Haugaard, James J., Ph.D., U. of Virginia.  
Prof., College of Human Ecology  
Lieberwitz, Risa L., J.D., U. of Florida. Assoc.  
Prof., School of Industrial and Labor  
Relations  
Porter, Keith S., LL.M., De Montford U., U.K.  
Director of N.Y.S. Water Resources Institute  
and Senior Extension Associate, College of  
Agriculture and Life Sciences  
Powers, David S., Ph.D., Princeton U. Prof.,  
College of Arts and Sciences  
Shulman, Zachary, J.D., Cornell U. J. Thomas  
Clark Senior Lecturer of Entrepreneurship  
Johnson Graduate School Of Management  
Wells, Martin T., Ph.D., U. of California. Prof.,  
School of Industrial and Labor Relations

**Adjunct Faculty Members**

Beresford, H. Richard, M.D., U. of Colorado.  
Blyth, John E., Dr.jur., Goethe U.  
Brennan, Lorraine M., J.D., Suffolk U.  
Briggs, W. Buckley, J.D., Georgetown U.  
Bryan, Bruce R., J.D., Fordham U.  
Goldstein, Stephen, J.D., Georgetown U.  
Goldstock, Ronald G., J.D., Harvard U.  
Greene, Mark I. J.D., U. of Pennsylvania,  
Greenberg, Marcia E., J.D., Northwestern U.  
Gutierrez, Gitanjali S., J.D., Cornell U.  
Hall, Richard, LL.M., Harvard U.  
Harmon, Yvette, J.D., Cornell U.  
Knight, Leslie, J.D., L1. of California, Davis.  
Meyer, Judith P., J.D., Cornell U.  
Mingle, James J., J.D., U. of Virginia.  
Radice, Anthony M., J.D., Cornell U.  
Roberts, Charles E., J.D., Syracuse U.  
Salisbury, Lance, J.D., Cornell U.  
Sarachan, Robert A., J.D., Indiana U.  
Bloomington.  
Schnur, Robert A., J.D., Harvard U.  
Shapiro, Amy, J.D., Harvard U.  
St. Landau, Norman D., J.D., Antioch C.  
Sterio, Milena J.D., Cornell U.  
Sussman, Erika, J.D., Cornell U.  
Tang, Yang.  
Yale Loehr, Stephen W., J.D., Cornell U.  
Yusem, Stephen G., J.D., U. of Pennsylvania.