

## LAW SCHOOL

### ADMINISTRATION

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### LAW SCHOOL

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 its 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 to 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 June 2004. For updated law descriptions visit: [www.lawschool.cornell.edu](http://www.lawschool.cornell.edu)

### FIRST-YEAR COURSES

#### LAW 500 Civil Procedure

Full year. 6 credits. S-U option unavailable. K. M. Clermont, B. J. Holden-Smith, J. J. Rachlinski, F. F. Rossi.

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

#### LAW 502 Constitutional Law

Fall. 4 credits. S-U option unavailable. B. Meyler, T. W. Morrison, S. H. Shiffrin, G. J. Simson.

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

#### LAW 504 Contracts

Full year. 6 credits. S-U option unavailable. 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 Criminal Law

Spring. 4 credits. S-U option unavailable. S. P. Garvey, T. W. Morrison.

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 Lawyering

Full year. 4 credits. S-U option unavailable. P. S. Anderson, J. B. Atlas, T. A. Davis, L. Knight, E. M. McKee, A. J. Mooney.

This course introduces 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, the 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 Property

Spring. 4 credits. S-U option unavailable. G. S. Alexander, E. L. Sherwin.

An investigation of the law's protection of ownership, including the beginnings of property, estates in land, concurrent ownership, landlord/tenant relations, and public and private regulation of land use.

#### LAW 515 Torts

Fall. 4 credits. S-U option unavailable. G. A. Hay, M. Heise, J. A. Henderson, Jr., W. B. Wendel.

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

### GRADUATE COURSES

#### LAW 607 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. P. G. Court.

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 that are 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. The textbook is *Basic Legal Research: Tools and Strategies*, 2d ed., 2003. Students complete five assigned exercises using the resources learned in class, and there is no final exam. The final grade is based on the five assigned exercises (20 percent each).

#### LAW 622 Contracts in a Global Society

Spring. 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 would generally be expected to take this one-semester 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 Principles of American Legal Writing**

Fall, spring. 2 credits. Graduate program grading: H, S, U. Limited to graduate students. Limited enrollment.

C. M. Hannah-White, P. J. Warth.

This course provides foreign-trained lawyers with an introduction to the American legal system and essential principles of legal writing in the United States. Students are afforded an opportunity to practice some of the 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 799 Thesis**

Fall, spring. 5 credits. Graduate program grading: H, S, U; J.D./LL.M. program: S-U option unavailable. Limited to graduate students and students completing the joint J.D.-LL.M. program.

Arrangements for a master's thesis are made by the student directly with a faculty member.

#### **LAW 800 Graduate Research**

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

### UPPERCLASS COURSES

#### **LAW 600 Accounting for Lawyers**

Spring. 2 credits. S-U option available. R. A. Sarachan.

This course is designed to introduce students to the basic concepts and fundamentals of financial accounting. It focuses on 1) accrual accounting concepts, principles, and conventions, 2) the presentation of financial statements (balance sheets, income statements, statements of cash flow), 3) the interpretation and analysis of financial statements, and 4) the use and misuse of accounting information. The goal of the course is to enable students to critically review a company's financial statements. The course 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 the instructor.

#### **LAW 601 Administrative Law: The Law of the Regulatory State**

Fall, spring. 3 credits. S-U option unavailable. Limited enrollment.

C. R. Farina, J. J. Rachlinski.

An introduction to the constitutional and other legal issues posed by the modern administrative state. Topics include: procedural due process, separation of powers, and procedural modes of administrative policy making; judicial review of agency action; and the oversight and control of 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.

#### **LAW 602 Advanced Civil Procedure: Complex Litigation**

Fall. 3 credits. S-U option unavailable. S. Nial.

This course familiarizes students with the doctrines, procedures, and rules, including but not limited to consolidation, class action, and preclusion, that are being utilized to resolve complex civil disputes involving multiple parties, claims, and jurisdictions. The course also explores the policy and management challenges presented by the litigation of complex civil disputes.

#### **LAW 603 Advanced Corporate Law**

Fall. 3 credits. Availability of S-U option to be announced first day of class.

Prerequisite: Corporations. J. C. Dammann.

This course examines various topics not covered in detail in the basic Corporations course, such as regulatory competition in corporate law, corporate distributions, the role of financial accounting in corporate law, employee stock ownership plans, nonprofit corporations, insurance corporations, cooperatives, and transnational mergers and acquisitions. In examining these topics, the course seeks to provide students with a deeper understanding of central issues in corporate law and policy. What is the function of corporate law? Who owns corporations and why? What are the forces shaping corporate law in the United States? Who should regulate corporate law issues? To what degree should corporate law regimes rely on standards as opposed to rules? How do the corporate law regimes of different countries interact?

#### **LAW 605 Advanced Legal Research in Business Law**

Spring. 1 credit. S-U option available.

Prerequisite: Lawyering. Limited enrollment. J. M. Callihan.

This course introduces students to print and online sources for researching business law. "Business law" is a broad term that 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 the resources learned in class.

#### **LAW 606 Advanced Legal Research—International and Foreign Law**

Fall. 1 credit. S-U option available. 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 covered 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 Antitrust Law**

Fall. 2 or 3 credits. (Students who have taken the Antitrust course in the Paris program will receive 2 credits for this course. All others will receive 3 credits.)

S-U option unavailable. G. A. Hay.

The antitrust laws of the United States 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 611 Arbitration Law and Practice**

Fall. 2 credits. S-U option available. P. S. Nelson.

This course is designed to familiarize students with both the law and practice of arbitration. Arbitration is the principal method of resolving disputes between unions and employers, securities brokers and their customers, and under international business agreements, and it is gaining favor in many other areas, including consumer, construction, and insurance disputes. This course explores the doctrines governing arbitration, including arbitrability, arbitral due process, and judicial review of arbitration awards. In addition, this course provides an introduction to the practice of arbitration, including drafting arbitration agreements, drafting claims, engaging in discovery, conducting prehearing conferences and hearings, and filing posthearing submissions.

#### **LAW 612 Bankruptcy**

Spring. 3 credits. S-U option unavailable. 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 Business Organizations**

Fall, spring. 4 credits. Availability of S-U option to be announced first day of class. J. C. Dammann, R. C. Hockett.

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 United States. 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 to be covered include shareholder and executive compensation, basic fiduciary obligations, shareholder voting rights, derivative suits, corporate reorganization, and control transactions. We also devote 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 614 Business Practices**

Fall. 3 credits. S-U option available.

Prerequisite: Corporations or (for graduate students) an equivalent course elsewhere. S. J. Schwab.

Each week a visiting practicing lawyer presents a business-law problem and conducts the class. 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 course of the semester, each student writes two five-page papers on a particular week's topic and provides written comments on other student papers in the other weeks as well as participates in class discussions. No final examination.

**LAW 616 Comparative Law: The Civil Law Tradition**

Spring. 3 credits. S-U option available.  
M. Lasser.

This course introduces students to the institutional and conceptual organization of "civil law" legal systems (which govern almost all of Western and Eastern Europe and Latin America, as well as significant portions of Africa and Asia). The course therefore provides a broad overview of "civilian" private law and procedure, criminal procedure, administrative law, and constitutional law. The course 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 Conflict of Laws**

Fall. 3 credits. S-U option available.  
A. Riles.

This course addresses the subject of conflict of laws in its theoretical and historical context and places a special emphasis on the international elements of conflict of laws. There is a three-hour in-class final examination which involves both issue spotter questions and more theoretical questions.

**LAW 620 Constitutional Law II: The First Amendment**

Spring. 3 credits. S-U option available.  
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 621 Constitutional Remedies**

Spring. 2 credits. S-U option unavailable.  
T. Eisenberg.

Explores in-depth the history and current status of 42 U.S.C. section 1983, the major statutory vehicle for vindication of constitutional rights in civil cases.

**LAW 623 Copyright**

Spring. 3 credits. S-U option available.  
D. L. Burk.

Copyright law has become increasingly important as the American economy has shifted from a predominantly manufacturing economy to an information economy. This course provides students with a comprehensive overview of U.S. copyright law. It begins with coverage of the substantive and procedural requirements for qualifying for copyright protection, then provides an in-depth study of the rights granted to authors under this law, the standards for judging copyright infringement, public policy limitations on the scope of copyright interest (such as the fair use defense), and remedies available to successful litigants. Issues raised by new information technologies and recent amendments addressing them receive special

attention. Partly as an aid to understanding U.S. law better and partly because copyright law is of increasing international importance, the course also provides some comparative and international copyright law components. In addition, it touches on issues of trademark and right-of-publicity law as they overlap or complement copyright.

**LAW 626 Criminal Procedure**

Spring. 3 credits. S-U option available.  
M. Goldsmith.

This course surveys the law of criminal procedure, with emphasis on the constitutional constraints that regulate the pretrial stage of the criminal process. More specifically, the course focuses on the law of interrogations and confessions, the admissibility of evidence, and the right to counsel throughout all stages of the criminal process.

**LAW 628 Cyberspace Law**

Spring. 3 credits. S-U option available.  
D. L. Burk.

This course exposes students to the study of the rules and norms governing the control and dissemination of information in a computer-mediated world. Because information is distributed through computers capable of copying, filtering, or altering information, it is now possible to control and manipulate information at various levels throughout the network in ways and to an extent that were otherwise impossible or impractical. While existing doctrines such as freedom of speech, intellectual property, and privacy are familiar doctrinal and theoretical starting points, cyberspace allows, and often requires, a reexamination of the values underlying those areas of law. This reexamination is necessary not only to translate those values into cyberspace applications, but to alter existing rules and legal institutions in real space as well. To give one example, the value of studying cyberspace law is not only about answering whether data stored in Random Access Memory should be considered a copy under copyright law, but whether copyright protection or the control of information in any form is necessary in a world in which information can be perfectly reproduced and distributed globally at almost no expense.

**LAW 630 Directed Reading**

Fall, Spring. 1 or 2 credits. Must be taken S-U. Arrange directly with instructor. See the Law School registrar.

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 Education Law**

Spring. 3 credits. S-U option available.  
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 considered 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 Employment Discrimination and the Law**

Fall. 3 credits. S-U option available.  
R. Lieberwitz.

A study of laws against employment discrimination based on race, religion, sex, national origin, age, and disability.

**LAW 633 Employment Law**

Spring. 3 credits. S-U option available.  
L. Bush.

Survey of common law doctrines and selected federal statutes affecting the private sector employer-employee relationship, but not including union formation and collective bargaining or employment discrimination (students interested in these subjects should take the Labor Law and/or Employment Discrimination courses offered in the 2004-2005 curriculum). Common law topics include: the employment at will rule and its exceptions; employee duties of loyalty and covenants not to compete; unjust dismissal; and employee reputation and privacy interests. Federal statutory topics include: the Fair Labor Standards Act (minimum wage and overtime); the Occupational Safety and Health Act; and the Family and Medical Leave Act.

**LAW 636 Environmental Law**

Spring. 3 credits. S-U option unavailable.  
Recommended prerequisite: Corporations.  
J. J. Rachlinski.

The course surveys the major environmental laws, with a primary focus on federal statutes. Emphasis is placed on the various sources of liability to both individuals and corporations from common law, statutory provisions, administrative regulation, and enforcement policy. Corporate successor liability through mergers and acquisitions is included, including the increasing importance of performing a full-range due diligence review for environmental conditions in such transactions. Special attention is paid to the economic, social, and political obstacles to efficient regulation of the environment.

**LAW 637 Estate and Gift Taxation**

Fall. 2 credits. S-U option available.  
Prerequisite: Federal Income Taxation.  
L. Kahng.

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

**LAW 638 Estate Planning**

Spring. 2 credits. S-U option available.  
Limited enrollment. J. A. Blumkin.

Problems involving planning and drafting for the transfer of property, both during lifetime and at death for substantial and moderate estates. A practical approach is emphasized, and both tax (estate, gift, and income) and nontax issues (such as family relations, disabled heirs, and government benefits eligibility) are considered.

**LAW 639 Ethical Issues in Civil Litigation**

Spring. 3 credits. S-U option unavailable.  
Satisfies the professional responsibility requirement. W. B. Wendel.

This course deals with the myriad disciplinary, procedural, and malpractice pitfalls that lawyers encounter in civil litigation practice. We do not focus simply on the model rules, but consider the entire law governing lawyers as applied to civil litigators, including such issues as conflicts of interest, investigation and discovery (including the attorney-client privilege, perjury, ex parte contacts, and document destruction), motions practice, settlement negotiations, and forensic tactics. The course is designed to

expose students to problems typically faced by litigators in medium-sized to large law firms handling complex disputes, but it is also applicable to lawyers working in small firms or government agencies who do a significant amount of civil litigation.

#### **LAW 640 Evidence**

Fall, spring. 3 credits. S-U option unavailable. Limited enrollment. F. F. Rossi, M. Goldsmith.

The rules of evidence in civil and criminal cases with emphasis on relevance, hearsay, authentication, witnesses, and experts. The course focuses on the Federal Rules of Evidence, with some attention to how they diverge from the common law.

#### **LAW 642 Family Law**

Spring. 3 credits. S-U option available. R. Graycar.

Broadly understood, family law is the study of state-imposed rules regulating intimacy and intimate relationships in society. In this course we use scientific and social scientific information to evaluate our assumptions and beliefs and to call into question the appropriateness of a number of current state laws regulating families. We examine the evolution of our society's understanding of and expectations for marriage, as well as shifts over the past several decades in the nature of and justification for state regulation of that institution. 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 considered include definitions, policy, and trends in American family law; the legal significance of marriage rights and obligations; private ordering within the marital context; and nonmarital relationships rights and obligations.

#### **LAW 643 Federal Courts**

Fall. 3 credits. Availability of S-U option to be announced first day of class. Prerequisite: Constitutional Law and second semester of Civil Procedure. Students without such background should consult with the instructor.

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 covered 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; and bars to such actions, including the various abstention doctrine and the emerging law on 11th Amendment and sovereign immunities.

#### **LAW 644 Federal Income Taxation**

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

#### **LAW 645 Federal Indian Law**

Spring. 2 credits. D. B. Suagee. Course description to be announced.

#### **LAW 646 Financial Institutions**

Spring. 4 credits. Availability of S-U option to be announced first day of class. 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 United States. The principal focus is on banks, and to a slightly lesser extent on 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 covered include entry-, branching-, and geographical restrictions; competition-promotion; capital adequacy-, solvency-, and other forms of risk-regulation (including disclosure requirements); community-reinvestment; self-regulation; and 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 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 Health Law**

Fall. 3 credits. S-U option available. H. R. Beresford.

This course considers legal aspects of the organization, financing, and distribution of health care in the United States. It emphasizes issues of access, costs, and quality, and it addresses the use of regulation, litigation, and market-driven strategies in efforts to resolve 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 all who need it and of the role of law and lawyers in confronting these challenges.

#### **LAW 648 The History of the Common Law in England and America**

Spring. 3 credits. S-U option available. B. Meyler.

The right to a trial by jury, the presumption of public access to criminal proceedings, and citizenship by birth rather than blood, all enshrined in the U.S. Constitution, ultimately derive from English common law. American private law—including contracts, torts, and property—is indebted to the same heritage. This course examines the history and theory of the common law with the aim of demonstrating its continuing relevance. Three principal strands run through the class. The first traces the substantive and procedural evolution of the common law from its early English roots and writs to its role in the American legal system today, with particular emphasis on the sixteenth through nineteenth centuries. Another thread emphasizes conceptions of the common law, including both historical accounts derived from the writings of Sir Edward Coke, Jeremy Bentham, and Oliver Wendell Holmes, and more recent theoretical contributions by Guido Calabresi

and Ronald Dworkin, among others. Finally, the course examines certain central institutions of the common law, including the judge who follows precedent and the jury, and compares common law modes of adjudication with the alternative methods employed by the chancellor in equity and judges in the civil law system. Source materials include historical cases and documents as well as some secondary articles.

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

Fall, spring. 3 credits. S-U option available. Prerequisite: Corporations. Limited enrollment. Z. J. Shulman.

An in-depth look at initial public offerings and deal structures from a practitioner's point of view. With respect to initial public offerings, the course covers the applicable statutory framework, pre-offering corporate preparations (such as the implementation of poison pills and stock option plans), the due diligence process, the implementation of corporate governance policies appropriate for a public company, the offering registration process, liability under federal securities laws, the Securities and Exchange Commission review process, underwriting arrangements, selection of a trading forum (i.e., NYSE, NASDAQ, or AMEX), and the role of securities analysts. Regarding deal structures, the course explores choosing an appropriate transaction structure (i.e., stock versus asset sale, merger, etc.), deal financing alternatives, due diligence, public company transaction issues (i.e., anti-takeover matters and directors' fiduciary duty concerns), and crucial legal and business aspects of the acquisition, such as caps/collars, letters of intent, successor liability, continuity of employees, and noncompetition agreements and reacting to hostile bids.

#### **LAW 650 Insurance Law**

Fall. 3 credits. S-U option available. M. Heise.

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

#### **LAW 652 International Business Transactions**

Spring. 2 credits. Availability of S-U option to be announced first day of class. L. M. Brennan.

This course provides an overview of different commercial legal systems; analysis of private and public law aspects of international business transactions and the legal rules governing such transactions; review of private international law transactions, including 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; and analysis of international implications of U.S. law including the U.S. Foreign Corrupt Practices Act and U.S. antitrust law.

**LAW 653 International Commercial Arbitration**

Fall. 3 credits. S-U option available.  
J. J. Barceló III.

A study of arbitration as a dispute resolution process for international trade and business disputes. The course analyzes 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. The course gives special attention to the international convention on the recognition and enforcement of international arbitral agreements and awards (New York Convention) and the UNCITRAL (U.N. Commission of International Trade Law) arbitral rules and model law. It focuses on commercial arbitration as an international phenomenon and not on arbitration under any particular national system.

**LAW 656 International Organizations and International Human Rights**

Fall. 3 credits. S-U option unavailable.  
M. B. Ndulo.

The course comprises two segments: a) international organizations and b) International Human Rights. In the international organization segment, the course aims at providing a comprehensive legal analysis of problems concerning membership, the structure of the United Nations organization, and its functions in the context of the United Nations Charter. It also considers the use of force under international law with specific reference to the United Nations Charter. The course further considers the structure, jurisdiction, and functions of the International Court of Justice. In the human rights segment, the objective is to introduce the theory, norms, and institutions central to the international human rights legal regime. The course explores the emergence and the enforcement of international human rights norms and the international machinery for the protection of human rights in the world community, including the United Nations Human Rights Committee, the European Court of Human Rights, the Inter-American Court of Human Rights, and the International Criminal Court. Relevant decisions of these courts and of municipal courts are studied as well as basic documents.

**LAW 657 Introduction to the Law of Patents**

Fall. 2 credits. S-U option available.  
A. W. Shaw.

This course provides a basic working knowledge of the principles of patent law. It opens with a review of patent fundamentals (the parts of a patent, overview of the patent procurement process, and overview of the patent enforcement process). It then focuses on specific issues of claim interpretation, claim validity, and infringement (both literal and under the doctrine of equivalents). The course culminates in a review of some of the recent proposals for reform of the patent system in the United States.

**LAW 658 Investment Law in the People's Republic of China**

Fall. 3 credits. Availability of S-U option to be announced first day of class.  
N. C. Howson.

This course examines the law and practice of complex investment or financing-related transactions, focusing on the PRC today. After brief introductory sessions devoted to China's legal and economic reform of the last two decades and China's recent accession to the World Trade Organization (WTO), the course focuses on discrete aspects of law and practice in the PRC, including foreign trade, foreign direct investment, private equity and venture capital investment (and exits), company law and the restructuring of state-owned enterprises, domestic and foreign-invested M&A, initial public offerings (in China and internationally) and the equity capital markets, project finance (focusing on large infrastructure projects like power plants, water treatment plants, and toll roads), technology and intellectual property licensing, land use rights and real estate development, international oil and gas production sharing arrangements, foreign exchange control and regulation, and dispute resolution (complex litigation and arbitration). Some significant portion of class time is devoted to discussion and role-playing based on transaction/case hypotheticals, and all students are expected to participate in a (graded) mock acquisition or financing negotiation at the end of the course. Much of the course materials include primary sources (laws, regulations, and interpretations), so that students can learn to assimilate statutory material quickly and develop skills critical to transnational commercial and investment law practice.

**LAW 659 Labor Law**

Spring. 3 credits. S-U option available.  
R. Lieberwitz.

This course focuses primarily on the 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. The course also includes topics relating to individual rights of employees under the law against employment discrimination based on race, sex, national origin, and religion.

**LAW 662 Law and Social Change: International Experience**

Fall. 3 credits. S-U option available.  
M. E. Greenberg.

This course is intended for students interested in law reform and international development. As compared with courses about international law, this course draws from an international base of experience while focusing on national laws in the context of socio-economic change: How do the concepts of "social change" and "development" differ? When does it suffice to draft and promote passage of new laws? When must the introduction of new laws be preceded or accompanied by other approaches, such as legal literacy training or public education? Who may be necessary partners: ministries of justice, nongovernmental organizations, bar associations, or others? Issues are illustrated by case studies drawn from Eastern Europe, Asia, Latin America, and Africa. Social change topics range from women's rights, gender, and the family to democracy building and environmental protection.

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

Fall, spring. 3 credits. Fall: S-U only; spring S-U or letter grade option available. Requirement: for the fall 2004

semester, students can enroll only if they are simultaneously participating in the Entrepreneurial Legal Services program.  
Z. J. Shulman.

An in-depth analysis of key issues that an emerging high-growth business must consider and address, including choosing type of business entity, protecting confidential information and inventions, sources of capital (in both bull and bear market environments), understanding capitalization structures (common stock, preferred stock, warrants, etc.), use of stock options as employee incentives, fundamental fair employment practices, proper establishment and utilization of boards of directors and advisory boards, technology licensing and commercialization, negotiating relationships with distributors, resellers, and customers, the Foreign Corrupt Practices Act, and dealing with creditors and lawyers.

**LAW 664 The Law Governing Lawyers**

Fall. 3 credits. S-U option unavailable. Satisfies the professional responsibility requirement. W. B. Wendel.

This course provides a comprehensive overview of the law governing lawyers in a variety of practice settings, including transactional, counseling, and civil and criminal litigation. The course 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 Law of Branding and Advertising: Trademarks, Trade Dress, and Unfair Competition**

Fall. 2 credits. S-U option available.  
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 The Law of the European Union**

Fall. 3 credits. S-U option available.  
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. The course 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. There is an eight-hour take-home exam.

**LAW 668 Legal Aspects of Foreign Investment in Developing Countries**

Spring. 3 credits. S-U option unavailable.  
M. B. Ndulo.

This course studies legal aspects of foreign investments in developing countries. It seeks to identify legal problems that are likely to affect a commercial investment in a developing 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, the course includes a discussion of the following topics: 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 Mergers and Acquisitions**

Fall. 2 credits. S-U option available.  
Prerequisite: corporations or permission of the instructor. R. F. Balotti.

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 Negotiation and Dispute Resolution**

Spring. 2 credits. S-U option available.  
Limited enrollment. 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. This course focuses on those processes that permit the highest degree of attorney control: negotiation, mediation, and certain "hybrid" processes such as neutral expert fact finding. The course explores the characteristics of each alternative process 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 or as a dispute resolution advocate.

**LAW 675 Partnership Taxation**

Spring. 2 credits. S-U option available.  
R. A. Green.

This course provides an introduction to the taxation of partnerships and limited liability companies. The course focuses on the tax issues arising upon the formation, operation, and liquidation of a partnership or LLC.

**LAW 678 Products Liability**

Spring. 3 credits. S-U option unavailable.  
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 Public International Law**

Fall. 3 credits. S-U option available.  
D. Wippman.

An introduction to the legal rules governing the conduct of states vis a vis other states, individuals, and international organizations, with reference to major current events and issues. Topics include the nature, sources, and effectiveness of international law; the establishment and recognition of states; principles concerning state sovereignty, territory, and jurisdiction; the law of treaties; state responsibility; international criminal and humanitarian law; terrorism; and human rights. Special attention is given to the law governing the use of force.

**LAW 680 Remedies in Litigation**

Fall. 3 credits. S-U option unavailable.  
E. L. 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 course focuses on private law (tort, contract, property), but it also includes some coverage of remedies for enforcement of constitutional rights and public law.

**LAW 681 Secured Transactions**

Fall. 2 credits. S-U option available.  
A. Shapiro.

A study of the law regarding security interests in personal property, primarily Article 9 of the Uniform Commercial Code. Topics include the creation of security interests, the rules for determining priorities among secured creditors and other claimants to property, and creditors' remedies and debtors' rights upon default. We use a practical, problem-oriented approach.

**LAW 682 Securities Regulation**

Spring. 3 credits. Availability of S-U option to be announced at first class.  
N. C. Howson.

This course focuses on the regulation of two key aspects of the capital markets in the United States: the primary markets for the raising of capital from public investors governed by the 1933 Securities Act (33 Act), and the trading of securities in the secondary market governed by the 1934 Securities Exchange Act (34 Act). The course features extended discussion of 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 antifraud rules, and the duties of the main participants in securities transactions (including underwriters, lawyers, and accountants). The course dedicates some time to understanding the unique aspects of U.S. regulation of foreign private issuers seeking to raise capital in the United States. Throughout, students also 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 683 Social Security Law**

Spring. 3 credits. S-U option available.  
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 of the instruction and discussion takes place on-line.

**LAW 684 Sports Law**

Spring. 2 credits. S-U option available.  
Recommended prerequisites: Antitrust Law and Labor Law. W. B. Briggs.

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

**LAW 686 Supervised Teaching**

Fall, spring. 1 or 2 credits. Must be taken S-U. Arrange directly with instructor. See the Law School registrar.

**LAW 687 Supervised Writing**

Fall, spring. 1, 2, or 3 credits. Must be taken S-U. Arrange directly with instructor. See the Law School registrar.

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

Full year. 4 credits. Must be taken S-U.  
Prerequisite: application process.

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 Honors Fellows work closely and one-on-one with first-year students on various writing projects. In addition to meeting regularly with students and reviewing and critiquing their work, Honors 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 Honors Fellows are also responsible for teaching and holding classes on the Bluebook. Additionally, Honors Fellows serve as mentors to the entering students to help them make the most of the foundational first year of law school. The Honors Fellows hold workshops on basic law school skills, and during the spring semester, under the direction of the dean of students, a small group of Honors Fellows may tutor first-year law students.

**LAW 689 Taxation of Corporations and Shareholders**

Fall. 3 credits. S-U option available.  
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 692 Trial Advocacy**

Spring. 4 credits. S-U option available.  
Pre- or co-requisite: Evidence. Limited enrollment. G. G. Galbreath.

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

#### **LAW 694 Trusts and Estates**

Fall. 4 credits. S-U option available.  
G. S. Alexander.

The course surveys the basic law of succession to property, including wills and intestate succession and the law of trusts. Among the recurring themes of the course are strict and lenient enforcement of formal requirements and methods of interpretation. This is not a course on estate taxation.

#### **LAW 698 WTO and International Trade Law**

Spring. 3 credits. S-U option available.  
J. J. Barceló III.

The law of the World Trade Organization (WTO), including international trade theory, the basic WTO rules and principles limiting national trade policy, and the WTO dispute settlement process. A study of national (U.S.) fair and unfair trade law within the WTO framework (safeguard, antidumping, subsidies, and countervailing duty remedies). Consideration also is given to nontrade values within the WTO system (environment, labor rights, and human rights).

### **PROBLEM COURSES AND SEMINARS**

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

#### **LAW 700 Advanced Civil Procedure: Issues in International Human Rights Litigation**

Spring. 3 credits. S-U option unavailable.  
Limited enrollment. B. J. Holden-Smith.

This seminar explores the development and effectiveness of the mechanisms of domestic courts for the protection and vindication of human rights. We begin with an overview of the American law on authority to adjudicate international cases and enforcement of foreign judgments and arbitration awards. We also treat the approach of other sovereigns, especially European, to such matters. We then explore specific cases involving the litigation of international human rights claims, including the Holocaust victims compensation cases, and the recent movement for reparations for American slavery. Each student is required to undertake a research project on a specific case and make a presentation on the case to the class.

#### **LAW 703 Advanced Legal Research**

Spring. 3 credits. S-U option unavailable.  
Prerequisite: Lawyering. Limited enrollment. P. G. Court, C. M. Germain.

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 Advanced Persuasive Writing**

Spring. 3 credits. S-U option available.  
Limited enrollment. C. Grumbach.

Students master persuasive writing by studying examples of persuasive writing and by writing briefs. In the first part of the course, we read and critique U.S. Supreme Court briefs and other persuasive writings to assess why they work or fail. Students prepare short critical papers each week, commenting on the writing to be discussed that week. In the second part of the course, students work on individual writing projects such as writing a reply to, or devising a hypothetical *amicus* brief for, a brief we critiqued. Students might also substantially rewrite weak briefs that we critiqued. Students produce multiple drafts of their work and critique and peer-edit their colleagues' work. In both phases of the course, we consider and critique the writings for both content and delivery, looking at some of the devices taught in the first-year Lawyering course. We also study each writer's choice of tone, use of syntactical variation, use of metaphors and imagery, and attention to character and plot development. We consider how legal writers tailor their writing for a specific audience and, perhaps, based upon opposing counsel's writing style. We determine whether good briefs comport with received wisdom about legal writing and attempt to develop best practices as well as a rule of thumb for when artistic license should trump orthodox legal writing approaches. Finally, we discuss some interesting writing or writing-related questions, such as, Is there a monolithic lawyers' voice? If so, whose voice is it? Does writing as a lawyer compromise or subvert one's true voice or cramp one's style? Does writing as a lawyer leave room for the client's voice? What would the different clients say about the various writers' stories and translations?

#### **LAW 707 American Legal Theory**

Fall. 3 credits. S-U option unavailable.  
Limited enrollment. R. S. Summers.

The fall 2004 topic for this seminar is the well-designed form of basic types of legal phenomena such as criteria of valid law (for both publicly and privately made law), institutions such as legislatures and courts, statutory, and other rules, accepted methods of statutory interpretation, the principle of stare decisis and common law rules, adjudicative processes, limitations on judicial power to modify rules, and the formal characteristics of the legal system viewed as a whole. American law lacks appropriate form in many important ways, and a heavy price is paid for this. However, well-designed legal form and its distinctive underlying rationales (general legal values) profoundly affect the overall content of law and its practice by lawyers in the American as well as other legal systems. Such formality and its rationales have as much or more of a claim to primacy as the essence of law than do the public policies that also inform the law's content. In this seminar, there is about equal emphasis on practical skills and theory.

#### **LAW 708 Appellate Advocacy**

Fall. 3 credits. S-U option unavailable.  
Limited enrollment. J. B. Atlas.

This seminar examines the law and skills that are integral to representing a client on appeal. The seminar is loosely divided into three central parts: 1) the 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 for exploration 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 (including a rewrite) for either the prosecution or defense. Each student also orally argues the case in a moot-court session.

#### **LAW 709 Biblical Law**

Fall. 3 credits. S-U option available.  
Limited enrollment. C. M. Carmichael.

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

#### **LAW 711 Children at the Intersection of Law and Psychology**

Spring. 3 credits. S-U option available.  
Limited enrollment. J. J. Haugaard,  
A. J. Mooney.

This seminar, cross-registered in the Law School and in the Department of Human Development in the College of Human Ecology, is co-taught by a faculty member from each. It is open to second- and third-year law students, human development graduate students, and psychology graduate students. It concentrates on how courts, particularly family and domestic courts, use psychological and developmental information to reach decisions about children and families. Topics include how fact-finders assess proposed novel theories or syndromes; how children participate in legal decisions affecting them; children's ability to function as eyewitnesses, and other topics the students select.

#### **LAW 712 China—International Engagement and Domestic Legal Reform**

Spring. 3 credits. Availability of S-U option to be announced first day of class. Limited enrollment. N. C. Howson.

Only 25 years ago, the People's Republic of China had very limited involvement in world affairs or international institutions and an equally limited domestic legal system. This seminar examines in tandem two apparently separate developments: China's increasing engagement with the international legal order, and the PRC's establishment of a viable domestic legal regime to serve a developing "Socialist market economy." The aim of

the seminar is to explore the relationship and intersection between these two very significant developments for China and the world by focusing on the theory and reality of China's involvement in various aspects of the international legal order—public and private—and the establishment of domestic legal norms and institutions. Topics addressed in detail include the relationship of the PRC to the international order (whether as “status quo” or revolutionary power), China's approach and interaction with public international law and institutions, the aims and effects of China's accession to the WTO, the history of China's reception of foreign direct investment and the specific legal regime established for it, China's participation in the international (equity) capital markets, international (contract-based) exploitation of China's oil and natural gas resources, the reception of non-Chinese legal concepts and institutions into Chinese law and practice, international human rights and the rise of constitutionalism in the PRC, the Hong Kong Special Administrative Region and its special status in the PRC legal and constitutional order, China's experience with international health threats (SARS and AIDS), and China's global and domestic environmental law and policy.

#### **LAW 713 Comparative Civil Procedure**

Fall. 3 credits. S-U option available.

Limited enrollment. S. Goldstein.

The seminar concentrates on the primary structural similarities and differences between common law and civil law procedural systems as well as within each procedural family, both in terms of first instance proceedings and the appellate process. Current efforts to “harmonize” the different procedural systems, particularly that of the proposed ALI/Unidroit Principles and Rules of Transnational Civil Procedure, are examined in this regard. The seminar also is concerned with comparative aspects of current attempts to reform the processes of civil procedure, such as the use of American “managerial” judges and English case allocation. In addition, it deals with the comparative aspects of some specific procedural mechanisms, such as notice vs. fact pleading, discovery processes, and class and other forms of representative actions. Seminar participants are expected to prepare the reading assignments and participate actively in all discussions. Each participant prepares a paper on a topic of his or her choice and makes an oral presentation on the topic, based on a preliminary draft of the paper that is circulated to all participants prior to the presentation.

#### **LAW 714 Comparative Constitutional Law**

Spring credits. S-U option unavailable.

Limited enrollment. M. Lasser.

This seminar examines the rapidly changing face of continental European constitutional law. The seminar begins by examining national constitutional/governmental structures, federalism regimes, mechanisms for judicial and administrative review of executive and legislative action, and modes of civil rights protection. The seminar then analyzes the increasingly important role played by transnational European legal institutions (especially the European Court of Justice and the European Court of Human Rights) in these areas. Finally, the seminar addresses the complex relationship between the national constitutional orders and the European Union's ongoing constitutional convention.

#### **LAW 716 Comparative Corporate Law**

Fall. 3 credits. Availability of S-U option announced first day of class. Limited enrollment. J. C. Dammann.

This seminar concentrates on the primary similarities and differences between U.S. corporate law and European corporate law regimes, particularly the German one. The aim is to provide students with a better understanding of U.S. corporate law and to prepare them for work involving foreign corporate law. The seminar begins by focusing on the relationship between a country's corporate law regime and the legal and institutional framework in which that corporate law regime functions. Topics dealt with in this context include the role of federal/community law, the weight attached to precedents, the structure of the judiciary, the role of capital markets, and the influence of the rules on corporate taxation. We then move to central issues in corporate law such as conflicts of interest between managers and shareholders, the protection of minority shareholders, the protection of creditors, the law governing corporate groups, and the role of employees in the management of corporations.

#### **LAW 722 Ethical Issues in Criminal Practice**

Fall. 3 credits. S-U option available.

Satisfies the professional responsibility requirement. Limited enrollment.

C. Grumbach.

Using simulated problems, we explore the ethical duties of and practical quandaries faced by prosecutors and criminal defense attorneys. As some examples, we examine the ethical duties that pertain to the examination of witnesses and argument to the jury; the duty of the prosecutor to seek justice, not merely to convict; the relationship of the prosecutor to witnesses and police; the prosecutor's obligation to disclose exculpatory evidence; the duties and dilemmas of the defense attorney confronted with a guilty client who intends to commit perjury or an innocent client who wishes to accept a plea offer; and the right to effective assistance of counsel. We examine these topics in the context of hypothetical and famous trials that involve issues such as coaching, playing the race card, and blaming the victim, or arrests based on racial profiling or planted evidence. The writing assignments are to be in the form of persuasive trial memoranda prepared on behalf of or to prosecute simulated clients. Sample issues might involve attorneys who face quandaries such as what to do with the smoking gun that a client has just delivered to the law office or whether to inform the judge that a defendant is using an alias to hide a substantial criminal record. At the end of the semester we hold mock hearings based upon these simulated cases.

#### **LAW 723 Ethnoracial Identity in Anthropology, Language, and Law (also ANTHRO 624)**

Spring. 3 credits. S-U option available.

Limited enrollment. V. Santiago-Irizarry.

This seminar examines the role that both law and language, as mutually constitutive mediating systems, occupy in constructing ethnoracial identity in the United States. We approach the law from a critical anthropological perspective, as a signifying and significant sociocultural system rather than as an abstract collection of rules, norms, and procedures, to examine how legal processes

and discourses shape processes of cultural production and reproduction that contribute to the creation and maintenance of differential power relations. Course material draws on anthropological, linguistic, and critical race theory as well as ethnographic and legal material to guide and document our analyses.

#### **LAW 726 Feminist Jurisprudence**

Spring. 3 credits. Availability of S-U option

to be announced first day of class. Limited enrollment. R. Graycar.

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

#### **LAW 728 First Amendment Theory**

Spring. 3 credits. S-U option available.

Limited enrollment. S. H. Shiffrin.

An examination of competing theories about the scope and justification of freedom of speech, freedom of press, and freedom of religion. The seminar considers free speech theories focused on liberty, formal equality, self-government, public morality, dissent, and antidomination; the relationship of various conceptions of democracy to freedom of the press; and various conceptions regarding the optimal relationship between church and state. Among the more specific topics at issue in some of the readings are commercial speech, pornography, flag burning, subsidies of the arts, campaign finance, the structure of the mass media, government involvement with religious symbols, and vouchers to religious schools.

#### **LAW 729 Global and Regional Economic Integration: The WTO, EU, and NAFTA**

Spring. 3 credits. S-U option available.

Limited enrollment. J. J. Barcelo 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 law-making 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 730 Habeas Corpus**

Fall. 3 credits. S-U option available.

Limited enrollment. T. W. Morrison.

This seminar examines habeas corpus, sometimes called the “great writ of liberty,” from three perspectives. First, we consider



the origins and development of habeas in English and American legal history. Second, we consider the contemporary role of habeas in providing federal judicial review of executive detention, especially in immigration cases and post-9/11 cases involving alleged "enemy combatants." Third, we consider the contemporary role of habeas in providing federal judicial review of state criminal convictions, especially in capital cases. The second and third parts of the seminar are an opportunity to think about specific habeas-related issues against the backdrop of broader constitutional principles of separation of powers and federalism.

**LAW 731 Immigration and Refugee Law**

Fall. 3 credits. S-U option unavailable.

Prerequisite: Constitutional Law. Limited enrollment. 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 International Criminal Law**

Spring. 3 credits. S-U option unavailable.

Limited enrollment. 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; the Rwanda Tribunal; and extradition and mutual legal assistance. The format includes class discussions of assigned readings. Final assessment in the course is based on participation in class discussions and a written paper on a subject falling within the themes of the seminar. Paper topics must be submitted to the instructor for review not later than the third week of class. Each student is expected to give a presentation to the class based on his or her paper.

**LAW 735 International Humanitarian Law**

Fall. 3 credits. S-U option available.

Limited enrollment. D. Wippman.

This seminar examines the principles and rules governing the conduct of international and noninternational armed conflicts, an area of law also known as the law of war or the law of armed conflict. We study the 1949 Geneva Conventions and their 1977 Additional Protocols as well as case law from Nuremberg

to the present. We consider the evolution of restraints on the means and methods of warfare, the distinction between combatants and noncombatants, the treatment of prisoners of war, the definition of military objectives and the rules governing targeting decisions (including the practice of "targeted killings"), the concept of proportionality and its utility in war, the law of occupation, and the temporal and geographic scope of armed conflicts. Particular attention is paid to the problems posed for humanitarian law by international terrorism and responses to it, including the treatment of "unlawful combatants" and the construction of Israel's separation barrier.

**LAW 736 Introduction to French Law**

Fall. 3 credits. S-U option unavailable.

Not available to students with significant knowledge of civil law system. Limited enrollment. C. Germain.

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

**LAW 737 Introduction to Islamic Law**

Spring. 3 credits. S-U option available.

Limited enrollment. D. S. Powers.

This seminar is designed to introduce law students to the terminology, principles, and concepts of Islamic law. In part one, we examine the historical formation of Islamic law and the development of its principles of jurisprudence. In part two, we analyze court cases that took place in Morocco and Spain between 1300 and 1500, with special attention to judicial procedure, personal status law, property law, and penal law. In part three, we examine the modern transformation of Islamic law by focusing on the example of Egypt, addressing issues such as codification, legal reform, and constitutional law. Seminar discussions are based largely on primary sources in English translation.

**LAW 739 Japanese Law**

Fall. 3 credits. S-U option unavailable.

Limited enrollment. A. Riles.

This seminar explores topics in Japanese law from a socio-legal perspective. Topics include Japanese constitutional law, financial regulation, contract law, and relations among the bureaucracy, the courts, the legal academy, and private parties in the making and interpretation of law. Students write a seminar paper of 20 to 30 pages and present the paper for discussion in the seminar. Thoughtful class participation is an important criterion in final evaluations.

**LAW 741 Law and Higher Education**

Spring. 3 credits. S-U option unavailable.

Prerequisite: Constitutional Law or Administrative Law. Limited enrollment. J. J. Mingle.

Higher education is a complex, idiosyncratic institution. Universities and colleges have a unique mission—teaching, research, and public service—and a uniquely challenging task of accommodating the various constituencies and organizations, both internal (governing boards, faculty, students, alumni) and external (legislatures, courts, regulatory agencies), 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 754 Law and Violence against Women**

Spring. 3 credits. S-U option unavailable.

Limited enrollment. E. A. Sussman.

This seminar examines violence against women from both theoretical and practical perspectives. The seminar begins with a general introduction to various feminist theories, including equality feminism, difference feminism, dominance feminism, anti-essentialist feminism, and post-modernism. We examine these feminist theories to provide frameworks for analyzing concrete manifestations of violence against women in society, including domestic violence, rape, sexual harassment, pornography, and prostitution. The seminar seeks 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. This seminar encourages students to critique existing frameworks and assume the role of social movement lawyers.

**LAW 756 Legal Aspects of Commercial Real Estate Development**

Spring. 3 credits. S-U option available.

Limited enrollment. 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 (such as tax-exempt financing, mezzanine financing, and synthetic leases).

**LAW 757 Legal Narratives**

Fall. 3 credits. S-U option unavailable.

Limited enrollment. E. L. Sherwin.

This seminar takes an in-depth look at the factual, legal, and social background of notable legal decisions. The seminar 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 selects a case and prepares and presents his or her own case history, working from briefs, related legal material, secondary sources, and, if possible, contacts with lawyers and parties. Grades are based on papers and presentations.

**LAW 758 Making the Punishment Fit the Criminal**

Spring. 3 credits. S-U option available.

Limited enrollment. S. Garvey.

This seminar begins with an investigation into the moral psychology of wrongdoing and its relationship to the justification of punishment. We then take the insights of

that investigation and apply them to various issues and controversies arising within the substantive criminal law. In this connection we examine among other topics the defense of provocation (heat of passion), depraved heart murder, negligent homicide, duress, hate crimes, and imperfect self-defense. We also ask whether and how an offender's punishment should depend on the fact that his or her conduct actually resulted in harm (or whether it should depend only on what harm he or she intended to cause or risk causing), and whether an offender's punishment should depend on the motives with which he or she commits the crime (or more generally, whether it should depend on his or her character).

#### **LAW 760 Organized-Crime Control**

Fall. 3 credits. S-U option available.  
Limited enrollment. 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 noncriminal remedies, including forfeiture and court-imposed trusteeships.

#### **LAW 764 Problems in Advanced Torts**

Spring. 3 credits. S-U option is unavailable.  
Limited enrollment. J. A. Henderson, Jr.  
Students have an opportunity to write a paper on a topic of their choosing from the law of torts. Topics not typically covered in the first-year torts course are preferable, including (but not limited to) products liability, business torts, environmental torts, and defamation. Papers should be similar in length and scope to a student note in a law review. Required written submissions include topic proposals, outlines, first drafts, and final drafts. Early meetings are devoted to discussions of background topics—e.g., economic analysis of tort law, fairness-based theories, and the like—and selection of topics. Later meetings give each student an opportunity to present his/her work product to the group.

#### **LAW 768 The Religion Clauses of the First Amendment**

Fall. 3 credits. S-U option unavailable.  
Limited enrollment. G. J. Simson.  
This seminar examines various issues relating to the First Amendment's Establishment and Free Exercise Clauses. In the first half of the semester the seminar meets to discuss assigned readings. The second half is devoted to the presentation of seminar papers. Each student must submit a substantial paper on an approved topic and brief written critiques of two other students' papers.

#### **LAW 774 Separation of Powers**

3 credits. S-U option unavailable.  
Prerequisite: Constitutional Law and Administrative Law. Students without such background should consult with the instructor. Limited enrollment. C. F. Farina.  
In the last twenty years we have witnessed more debate about the nature and consequences of "separation of powers" than we have seen since the Founding Era. This seminar examines the ways this concept is understood and used by modern judges, legislators, executive officials, and scholars to justify, or to attempt to modify, the

distribution of power within contemporary American government.

#### **LAW 778 Theories of Property**

Fall. 3 credits. Availability of S-U option to be announced the first day of class.  
Prerequisite: Property. Limited enrollment.  
G. S. Alexander.

This seminar explores the various ways that people have conceived of, or understood, property. The materials studied are eclectic and interdisciplinary. They include readings on commonness, commodification, and women and property as well as the classical justifications for private property (libertarian, utilitarian, etc.).

### **CLINICAL COURSES AND EXTERNSHIPS**

All clinical courses and externships have limited enrollment.

#### **LAW 780 Asylum and Convention against Torture Appellate Clinic**

Spring. 4 credits. S-U option available.  
Limited enrollment. E. M. McKee,  
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 United States 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 that these laws have 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 part of the semester, students work in teams of two on appellate briefs. These briefs not only entail serious legal analysis, but may also require sociocultural and political research, so that the students can effectively write about the conditions of the client's home country. Students communicate with clients during this time, although some clients may be incarcerated, and many are out of state. Students may also locate expert and other witnesses and draft affidavits and motions. The students' cases provide a basis for more in-depth substantive learning as well as practical skills and attorney-client issues. In class, each team also discusses the legal and practice issues that arise in their case, so that all students can benefit from and assist with each individual case.

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

Spring. 4 credits. S-U option available.  
Prerequisite: permission of instructor; Criminal Procedure or criminal law experience preferred. Limited enrollment.  
J. H. Blume, S. L. Johnson.

Death penalty post-conviction litigation: investigation and the preparation of petitions, memoranda, and briefs. This course is taught as a clinic. Two or possibly three South Carolina death row cases are worked on by students. Case selection depends on both 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 and strategy for the cases.

#### **LAW 782 Capital Trial Clinic I and II**

Spring. 4 credits. S-U option available.  
Prerequisite: permission of the instructor. Criminal Procedure or criminal law experience preferred. Limited enrollment.  
J. H. Blume, S. L. Johnson.

Students aid in the representation of a defendant charged with a capital crime. This clinic focuses on preparing a capital case for trial. Students are assigned both investigative and research tasks. Fact investigation and the development of a mitigation case are taught. One or two trips to the state of the offense (usually South Carolina) are typical, and expenses for those trips are reimbursed by the Law School. Research projects that arise from the case are assigned. Most years students gain experience with the use of focus groups and/or learn the Colorado voir dire method. Regardless of individual assignments, all students are kept abreast of the developments in the case and included in discussions of strategy as they arise.

#### **LAW 783 Full-Term Externship**

Fall. 12 credits. Must be taken S-U. Limited enrollment. G. G. Galbreath, J. M. Miner.  
The Full-Term Externship course allows students to earn 12 credit hours as externs working full-time a minimum of 65 days at an approved nonprofit or governmental placement site off-campus during the fall semester of their third year. After a careful review of the complete course description found in the Registrar's Office and attending a mandatory meeting introducing the course, students must make written application for the course in the spring semester preceding their externship. The application includes, among other things, a description of the placement and the activities that the extern expects to perform, a statement of the extern's educational and career goals, and an explanation of how those goals are better met at the placement than at the Law School. The instructors, in collaboration with the associate dean for academic affairs, reviews the applications and decides whether each applicant should be granted conditional approval. For students to receive final approval, the placement site must accept the student for the placement and meet specified criteria, including identification of an attorney at the placement who will closely supervise and mentor the extern. In addition to his or her work responsibilities for the placement, the extern prepares weekly journal entries for the faculty supervisor, engages in regular electronic communication with the instructor and other students in the course, hosts the instructor for a site visit, and completes a written evaluation of the placement and the placement experience for the Law School's files.

#### **LAW 784 Government Benefits Clinic I or 3**

Spring. 6 credits. S-U option available.  
Limited enrollment. B. Strom.  
This course has two classroom components: the Government Benefits Clinic class and the Clinical Skills 1 or Clinical Skills 3 class. The course has a substantive component, in which a broad conceptual understanding of a complex and controversial area of law and public policy is developed, and a

real-life clinical experience, in which those concepts can be applied in solving actual client problems. The substantive component provides an introduction to government benefits law by examining various social insurance and need-based benefit programs including Social Security, Unemployment Insurance, Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Medicaid, and Food Stamps. Case handling involves the representation of clients in government benefits cases involving the Tompkins County Department of Social Services, the N.Y.S. Department of Labor, and the Social Security Administration. The course also includes Clinical Skills 1 or Clinical Skills 3. Clinical Skills 1 class addresses interviewing, counseling, negotiation, and advocacy skills through the use of readings, videotapes, discussions, demonstrations, and simulation exercises. Clinical Skills 3 class builds on the skills taught in Clinical Skills 1 and addresses such topics as alternative dispute resolution, formal discovery, and motion argument.

**LAW 785 Government Benefits Clinic/Neighborhood Legal Services Externship 1 or 3**

Spring. 6 credits. S-U option available. Limited enrollment. B. Strom.

This course is a combination of Government Benefits Clinic and the Neighborhood Legal Services Externship and either Clinical Skills 1 or Clinical Skills 3. The course is the same as Government Benefits Clinic except that the case-handling component involves handling cases for the Ithaca Office of Neighborhood Legal Services. See the descriptions for the Government Benefits Clinic and the Neighborhood Legal Services Externship for additional details.

**LAW 786 Judicial Externship**

Fall, spring. 4 credits. S-U option available. 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, the judicial decision-making process, and trials. There are weekly class meetings with readings and discussions of topics related to the externship experience. While the primary focus is the student's work at the placement, each student will also do class presentations and weekly journal entries, provide written work samples, and meet individually with the faculty member.

**LAW 788 Law Guardian Externship**

Fall, spring. 4 credits. S-U option available. Limited enrollment. J. M. Miner.

Students learn about the representation of children in abuse and neglect cases, juvenile delinquency proceedings, and PINS (persons in need of supervision) cases through their placement at the Tompkins County Law Guardian office. Duties may include interviewing, investigation, drafting memoranda and motions, and assisting in trial preparation. There are several meetings with the instructor during the semester for discussion of issues arising from and related to the representation of children. Biweekly journals are also required.

**LAW 790 Legislative Externship**

Fall, spring. 3 credits. Limited to two students each semester, selected by Assemblywoman Barbara Lifton. B. Strom.

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

**LAW 791 Neighborhood Legal Services Externship 1 or 2**

Fall, spring. 4 credits. S-U option available. 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 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 1, 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 793 Public Interest Clinic 1**

Fall, spring. 4 credits. S-U option available. Limited enrollment. E. M. McCormick, B. Strom.

Students handle civil cases for low-income clients of the Public Interest Clinic under the supervision of the clinic faculty. Students interview and counsel; investigate and analyze facts; interrelate substantive and procedural law with facts in the context of actual representation; develop a strategy to handle clients' problems; identify and resolve professional responsibility issues; do legal writing; negotiate and settle cases; and represent clients at administrative hearings. The classroom component is provided by the Clinical Skills 1 class, in which students develop interviewing, counseling, negotiation, and advocacy skills through the use of readings, videotapes, discussions, demonstrations, and simulation exercises. Note: During the second or third week there may be an additional class session. Classes are mandatory.

**LAW 793 Public Interest Clinic 2**

Fall. 4 credits. S-U option available. Prerequisite: Public Interest Clinic 1 or a clinic course that included the Clinical Skills 1 classroom component. Limited enrollment. E. M. McCormick, B. Strom.

Students handle Public Interest Clinic 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 Clinic 1. The classroom component, Clinical Skills 2, builds on the skills taught in Clinical Skills 1 and may address such skills as fact investigation and analysis, pre-trial activities, and drafting. Students represent the clinic's clients in both federal and state courts.

**LAW 793 Public Interest Clinic 3**

Spring. 4 credits. S-U option available. Prerequisite: Public Interest Clinic 1 or a clinic course that included the Clinical Skills 1 classroom component. Limited enrollment. E. M. McCormick, B. Strom.

Students handle Public Interest Clinic cases, participate in a classroom component (Clinical Skills 3), and help supervise participants in Public Interest Clinic 1. Cases are handled as described in the course description for Public Interest Clinic 1. The classroom component, Clinical Skills 3, builds on the skills taught in Clinical Skills 1 and 2 and may address such issues as alternative dispute resolution, formal discovery, and motion practice. Students represent the clinic's clients in both federal and state courts.

**LAW 797 Women and the Law Clinic 1 or 3**

Spring. 6 credits. S-U option available. Limited enrollment. J. M. Miner.

This course has two classroom components: Women and the Law Clinic class and Clinical Skills 1 or Clinical Skills 3 class. Students represent women clients who have legal matters primarily in the family law area (divorce, custody, support, domestic violence). The clinic's clients primarily are referred by the Advocacy Center, the local not-for-profit that serves victims of domestic violence. Students work with the staff at the center as appropriate for the representation of their clients. The Women and the Law Clinic class focuses on issues such as the impact of substantive law on women, the impact of legal institutions on women, professional role development, feminist lawyering methods, and other topics related to women and the law. Students also participate in the lawyering skills classroom component, Clinical Skills 1 or Clinical Skills 3. Clinical Skills 1 addresses interviewing, counseling, negotiation, and advocacy skills through the use of readings, videotapes, discussions, demonstrations, and simulation exercises. Clinical Skills 3 builds on the skills taught in Clinical Skills 1.

## NONPROFESSIONAL COURSES—NOT OPEN TO LAW STUDENTS

**GOVT 313 The Nature, Functions, and Limits of Law**

Spring. 4 credits. S-U option unavailable. Undergraduates only. K. M. Clermont.

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

**LAW 405 The Death Penalty in America**

Spring. 3 credits. J. H. Blume, S. L. Johnson.

The death penalty has gotten increased media attention due to high profile death row exonerations, and has long been under siege for other reasons, such as racial disparities in its imposition and the prevalence of very poor representation by defense counsel. This course

surveys the legal and social issues that arise in the administration of the death penalty. The readings largely comprise reported death penalty cases, but are augmented by a variety of other sources, including empirical studies of the death penalty and the litigation experience of the professors. Although the focus is on capital punishment as practiced in the United States, we also consider international and comparative perspectives. Guest speakers provide a range of views, and law students with experience working on capital cases will lead discussion sections.

**LAW 410 Limits on and Protection of Creative Expression—Copyright Law and Its Close Neighbors**

Fall. 4 credits. S-U option unavailable.

Non-law students only. P. W. Martin.

This course provides an introduction to copyright law and closely related legal regimes for non-law students. A significant portion of the instruction and discussion is on-line. Copyright law has become increasingly important as the United States has shifted from a predominantly manufacturing economy to an information economy, with such products as software, recorded music, movies, and TV assuming major importance as exports, and digital distribution exploding. This course provides an overview of U.S. copyright law and the relationship between copyright and contractual license, trademark, patent, and the "right of publicity" as these other regimes relate to information products. The survey begins with the substantive and procedural requirements that surround copyright protection. It proceeds to survey the rights granted copyright holders and important limits on those rights such as "fair use." How infringement is established, what remedies are available, and other important features of copyright litigation are covered. Issues raised by new information technologies and recent amendments addressing them receive special attention. Finally, because of the growing importance of the global market for copyright-protected products, the international copyright system is also addressed.

## 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. Assoc. Prof.  
 Burk, Dan L., J.S.M., Stanford U. Visiting Prof.  
 Clermont, Kevin M., J.D., Harvard U. James and Mark Flanagan Professor of Law  
 Clymer, Steven D., J.D., Cornell U. Prof.  
 Dammann, Jens C., J.S.D., Yale U. Visiting Asst. Prof.  
 Eisenberg, Theodore, J.D., U. of Pennsylvania. Henry Allen Mark Professor of Law  
 Farina, Cynthia R., J.D., Boston U. Prof.  
 Fineman, Martha A., J.D., U. of Chicago. Doreatha S. Clarke Professor of Feminist Jurisprudence  
 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  
 Goldsmith, Michael, J.D., Cornell U. Visiting Prof.  
 Graycar, Reg, LL.M., Harvard U. Visiting Prof.  
 Green, Robert A., J.D., Georgetown U. Prof.

Hay, George A., Ph.D., Northwestern U. Edward Cornell Professor of Law and Professor of Economics in the 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.  
 Howson, Nicholas C., J.D., Columbia U. Visiting Asst. Prof.  
 Johnson, Sheri L., J.D., Yale U. Prof.  
 Kahng, Lily, LL.M., New York U. Visiting Assoc. Prof.  
 Kysar, Douglas A., J.D., Harvard U. Assoc. Prof.  
 Lasser, Mitchel, Ph.D., Yale U. Prof.  
 Lehman, Jeffrey S., J.D., U. of Michigan. Pres. and 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. Asst. Prof.  
 Ndulo, Muna B., D. Phil., Trinity C. Prof.  
 Nial, Susan, J.D., U. of Bridgeport. Dist. Practitioner-in-Residence  
 Rachlinski, Jeffrey J., Ph.D., Stanford U. Prof.  
 Riles, Annelise, Ph.D., U. of Cambridge. Prof. and Prof. of Anthropology in the College of Arts and Sciences  
 Rossi, Faust F., J.D., Cornell U. Samuel S. Leibowitz Professor of Trial Techniques  
 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.  
 Siliciano, John A., J.D., Columbia U. Vice Provost and Prof.  
 Simson, Gary J., J.D., Yale U. Prof.  
 Stone, Katherine V. W., J.D., Harvard U. Prof. and Anne Evans Estabrook Prof. in Dispute Resolution in the School of Industrial and Labor Relations  
 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. Assoc. Prof.  
 Wippman, David, J.D., Yale U. Prof.

### Legal Aid Clinic

Galbreath, Glenn G., J.D., Case Western Reserve U. Senior Lecturer  
 McCormick, Elizabeth M., J.D., Georgetown U., Visiting Lecturer  
 Miner, JoAnne M., J.D., U. of Connecticut. Senior Lecturer and Director  
 Strom, Barry, J.D., Cornell U. Senior Lecturer

### The Lawyering Program

Anderson, Paige S., J.D. Cornell U. Senior Lecturer  
 Atlas, Joel, J.D., Boston U. Senior Lecturer  
 Bond, Cynthia D., J.D., Cornell U. Lecturer  
 Davis, Tammy A., J.D., Cornell U. Visiting Lecturer  
 Grumbach, Carol, J.D., Cornell U. Director of Lawyering Program and Senior Lecturer  
 Knight, Leslie, J.D., U. of California Davis. Visiting Lecturer  
 McKee, Estelle M., J.D., Columbia U. Lecturer  
 Mooney, Andrea J., J.D., Cornell U. Lecturer

### Academic Library Staff

Callihan, Jean M., J.D. Pennsylvania State U. Head of Reference Services  
 Court, Patricia G., J.D. Hamline U. Asst. Director for Administration and Public Services  
 Finger, Charles S., J.D., SUNY Buffalo. Collection Development/Reference Librarian  
 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 M., J.D., Northwestern U. Reference Librarian  
 Mills, Thomas, J.D., U. of Illinois Urbana-Champaign. Reference Librarian  
 Morrison, Matthew, J.D., Mercer U. Reference Librarian  
 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. in the College of Arts and Sciences  
 Haugaard, James J., Ph.D., U. of Virginia. Prof. in the College of Human Ecology  
 Lieberwitz, Risa L., J.D., U. of Florida. Assoc. Prof. in the School of Industrial and Labor Relations  
 Powers, David S., Ph.D., Princeton U. Prof. in the College of Arts and Sciences  
 Santiago-Irizarry, Vilma, Ph.D., New York U. Assoc. Prof. in the College of Arts and Sciences  
 Shulman, Zachary, J.D., Cornell U. J. Thomas Clark Senior Lecturer of Entrepreneurship in the Johnson Graduate School of Management  
 Wells, Martin T., Ph.D., U. of California. Prof. in the School of Industrial and Labor Relations

### Adjunct Faculty Members

Balotti, R. Franklin, LL.B., Cornell U. Adjunct Prof.  
 Beresford, H. Richard, M.D., U. of Colorado. Adjunct Prof.  
 Blumkin, Joy A., J.D., Emory U. Adjunct Prof.  
 Blyth, John E., Dr.jur., Goethe U. Adjunct Prof.  
 Brennan, Lorraine M., J.D., Suffolk U. Adjunct Prof.  
 Briggs, W. Buckley, J.D., Georgetown U. Adjunct Prof.  
 Goldstein, Stephen, J.D., U. of Pennsylvania. Adjunct Prof.  
 Goldstock, Ronald G., J.D., Harvard U. Adjunct Prof.  
 Greenberg, Marcia E., J.D., Northwestern U. Adjunct Prof.  
 Hannah-White, Cynthia, J.D., Cornell U. Adjunct Prof.  
 Mingle, James J., J.D., U. of Virginia. Adjunct Prof.  
 Nelson, Patricia S., J.D., Cornell U. Adjunct Prof.  
 Sarachan, Robert A., J.D., Indiana U. Bloomington. Adjunct Prof.  
 Shapiro, Amy, J.D., Harvard U., Adjunct Prof.  
 Shaw, Anthony W., J.D., Georgetown U. Adjunct Prof.  
 St. Landau, Norm D., J.D., Antioch C. Adjunct Prof.  
 Suagee, Dean B., LL.M., American U. Adjunct Prof.  
 Sussman, Erika, J.D., Cornell U. Adjunct Prof.  
 Warth, Patricia J., J.D., Cornell U. Adjunct Prof.  
 Yale-Loehr, Stephen W., J.D., Cornell U. Adjunct Prof.  
 Yusem, Stephen G., J.D., U. of Pennsylvania. Adjunct Prof.