

## LAW SCHOOL

### ADMINISTRATION

Charles W. Wolfram, acting dean of the law faculty and professor of law

John A. Siliciano, associate dean for academic affairs and professor of law

Gary J. Simson, associate dean for faculty development and professor of law

Anne Lukingbeal, associate dean and dean of students

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### LAW SCHOOL

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

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

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

Each year the graduate program of the Cornell Law School admits a limited number of students, generally all from abroad. The LL.M. degree (Master of Laws, Legum Magister) and the J.S.D. degree (Doctor of the Science of Law, Jurisprudentiae Scientiae Doctor) are conferred. A small number of law graduates may also be admitted as special students, to pursue advanced legal studies without seeking a degree.

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

### FIRST-YEAR COURSES

#### LAW 500 Civil Procedure

Fall and spring. 6 credits. K. M. Clermont, B. J. Holden-Smith, 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. K. A. Abrams, 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

Fall and spring. 6 credits. R. A. Hillman, K. V. W. Stone, 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. P. Garvey, M. F. Stowe.

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 Legal Methods

Fall and spring. 4 credits. S. P. Garvey, B. S. Williams and staff.

Legal Methods is a full-year skills course designed to introduce first-year students to the techniques of research, analysis, and writing that are necessary in legal practice. Instruction in the fall semester focuses on legal research and the written communication of objective legal analysis. Students complete a series of research and writing assignments that develop and test their skills in these areas. Instruction in the spring semester focuses on written and oral advocacy. In the context of a simulated civil or criminal trial, students complete the necessary research and then draft and rewrite a trial or appellate brief advocating their client's position on one or more legal issues. The spring semester culminates with a moot court exercise designed to introduce the students to the techniques and logistics of oral advocacy in a courtroom setting. Instruction occurs in small sections of approximately 30 students and in

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

#### LAW 512 Property

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

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

#### LAW 515 Torts

Fall. 4 credits. G. A. Hay, J. A. Henderson, Jr., S. J. Schwab, J. A. Siliciano.

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

### UPPERCLASS COURSES

#### LAW 602 Administrative Law: The Law of the Regulatory State

Fall or spring. 3 credits. R. S. Booth, C. R. Farina.

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

#### [LAW Admiralty

2 credits. Not offered 1998–99. The law applicable to the maritime shipping industry. The jurisdiction of the admiralty courts of the United States: death and injury of the various classes of maritime workers; maritime liens; the carriage of goods by general and by chartered ships; the principles of liability and its limitation that are peculiar to the admiralty law; salvage and general average; marine insurance; oil spills and marine pollution; and the principles governing collision.]

#### [LAW Advanced Civil Procedure

3 credits. Not offered 1998–99. A study of complex civil litigation involving multiple parties and multiple claims. Topics include joinder of parties and claims, impleader, interpleader, class actions, and intervention. There will be consideration of case management, the Civil Justice Reform Act of 1990, multidistrict transfers in the federal courts, and the use of alternative procedures for disposition of cases.]

**LAW 608 American Indian Law**

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

An examination of the primary themes and materials of the federal law concerning Native American tribes and individuals. The course devotes considerable attention to the historical development of law and policy in that area and to the present division of authority over Indian country among federal, state, and tribal governments.

**LAW 609 Antitrust Law**

Spring. 3 credits. Students who have taken an antitrust course in the Paris program may take this course for 2 credits. G. A. Hay.

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

**LAW 610 Banking Law and Regulation**

Fall. 3 credits. J. R. Macey.

The course begins by defining the roles that banks and other financial intermediaries play in the economy. It considers the claim that a specialized set of regulations governing the activities of financial intermediaries is justified by the special role banks occupy in society. In that context a variety of theoretical arguments about banking regulation are considered. The course then examines each of the major laws that govern banking activities against the background of the various regulatory theories discussed. Topics to be addressed include entry restrictions, growth and expansion of bank activities, regulation of the business of banking, expansion through the bank holding-company structure, branch banking, interstate banking, and regulation of failing or failed banks.

**LAW 613 Bankruptcy**

Fall. 3 credits. Prerequisite: students who have taken Debtor-Creditor Law are ineligible for this course. L. M. LoPucki.

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

**LAW 614 Business Combinations**

Spring. 2 credits. J. J. Hanks, Jr.

This course examines the principal business, legal, and accounting issues in the purchase and sale of privately and publicly held businesses. Emphasis is placed on the negotiation, structuring, financing, and documentation of the most common type of combining transaction—the acquisition of a privately held company. Among the legal issues considered are the business and other reasons for selling or buying a business, the forms of business combinations, directors' duties, successor liability, securities regulation, tax, and antitrust. Additional issues surrounding acquisitions of publicly held companies (including hostile takeovers) are studied principally for comparison. The responsibili-

ties of transactional lawyers to persons other than their clients are also assayed.

**[LAW Civil Rights Legislation**

3 credits. Not offered 1998–99.

Explores in depth the history and current status of federal civil rights legislation. The course focuses on 42 U.S.C. §1983, the dominant vehicle for vindication of constitutional rights in civil cases, and on Title VII of the Civil Rights Act of 1964, the principal federal statute covering employment discrimination.]

**LAW 616 Commercial Law**

Spring. 3 credits.

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

**LAW 617 Communications Law**

Spring. 3 credits. A. Addis.

This course examines the regulatory activity of the Federal Communications Commission. Primary attention is given to radio, broadcast television, and cable. Selected topics in common carriers, communications satellites, and other emerging technologies may also be covered.

**LAW 618 Comparative Law**

Fall. 2 credits. Prerequisite: basic common law. B. A. Rudden.

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

**LAW 619 Conflict of Laws**

Spring. 3 credits. G. J. Simson.

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

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

Spring. 3 credits. S. H. Shiffrin.

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

**LAW 621 Constitutional Remedies**

Fall. 2 credits. Not available to students who have taken Civil Rights Legislation. T. Eisenberg.

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

**LAW 622 Copyright**

Spring. 3 credits.

Copyright law has become increasingly important as the American economy has shifted from a predominantly manufacturing economy to an information economy. This course will provide students with a comprehensive overview of the U.S. copyright law. It will begin with coverage of the substantive and procedural requirements for qualifying for copyright protection, then will provide 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. Partly as an aid to understanding United States law better and partly because copyright law is of increasing international importance, the course will also provide some comparative and international copyright law components. In addition, current legislative initiatives affecting copyright law or copyright owners will be discussed.

**LAW 623 Copyright and Digital Works**

Fall and spring. 3 credits. Prerequisite: a prior course covering the basic elements of copyright law. Year-long offering. Limited enrollment. P. W. Martin.

The application of copyright law's basic elements or concepts—coverage, protected rights, infringement and fair use—along with associated remedies issues, to creative works encoded in digital form. The course will explore the major copyright issues posed by such categories of digital works as software, databases containing factual and other public-domain content, multimedia materials, computer-generated or -assisted works, and audio recordings containing digital sampling. In addition the course will review the recent White Paper on Intellectual Property and the National Information Infrastructure and subsequent legislative proposals as a means of focusing on the Internet's implications for both domestic and international copyright regimes.

**[LAW Corporate Finance**

3 credits. Prerequisite: Corporations. Limited enrollment. Not offered 1998–99.

Course surveys various topics in corporate finance and their role in modern corporate law. Topics include valuation, individual capitalization vehicles (bonds, preferred and common stock), overall capital structure, and dividend policies, plus selected topics in mergers and acquisitions (e.g., appraisal rights). No previous study of finance required or expected.]

**LAW 625 Corporations**

Fall or spring. 4 credits. J. R. Macey, F. S. McChesney.

An introduction to modern American business corporation law. Topics include corporate organization and defective incorporation, the corporation as a legal entity, corporate control and management, state and federal rules governing the solicitation of proxies, fiduciary

duties of directors and controlling shareholders under state law, and antifraud and insider-trading provision under the federal securities laws.

**LAW 627 Criminal Procedure**

Fall. 3 credits. J. H. Blume.  
This course surveys the law of criminal procedure, with emphasis on the constitutional constraints that regulate the pretrial stage of the criminal process. More specifically, the course focuses on the law of interrogations and confessions, the admissibility of evidence, and on the right to counsel throughout all stages of the criminal process.

**LAW 629 Current Topics at the Crossroads of Law and Finance [also NBA 551]**

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

**[LAW Death Penalty in America: A Survey**

1 credit. Not offered 1998-99.  
The course will survey the law relating to the administration of the death penalty.]

**[LAW Debtor-Creditor Game**

3 credits. Prerequisite: prior enrollment in Secured Transactions or Debtor-Creditor Law or concurrent enrollment in one of those courses and permission of the instructor. Limited enrollment. Not offered 1998-99.

Advanced debtor-creditor law including Chapter 11 of the Bankruptcy Code, bankruptcy procedure, negotiation techniques, and case strategy.]

**LAW 630 Directed Reading**

Fall or spring. 1 or 2 credits. A two-credit directed reading may also fulfill the second writing requirement. Arrange directly with instructor. See Law School Catalog.  
An examination of a topic through readings selected by arrangement between the instructor and an individual student or group of students (not exceeding eight).

**LAW 633 Employment Law**

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

**[LAW Entertainment Law**

2 credits. Not offered 1998-99.  
This course explores several areas within the broad field of entertainment law. Topics include contract law, labor, antitrust, the role of agents, personal and privacy rights, literary

and music publishing, sound recordings, films, and television.]

**LAW 636 Environmental Law**

Fall. 3 credits. J. J. Rachlinski.  
The course surveys the major environmental laws, with a primary focus on federal statutes (CERCLA, RCRA, NEPA, the Clean Water Act, the Clean Air Act, and the Endangered Species Act) and cognate areas of law including criminal law, complex toxic tort law and insurance law. The course lays out the various governmental tools used to address the problems of environmental degradation and discusses the value of these tools. Special attention is paid to the economic, social, and political obstacles to efficient regulation of the environment.

**[LAW Estate and Gift Taxation**

3 credits. Prerequisite: Federal Income Taxation. Not offered 1998-99.  
This course surveys the three federal taxes imposed on wealth transfers: the estate tax, the gift tax, and the generation-skipping tax. The course uses a problem-oriented approach, with emphasis on the Internal Revenue Code, regulations, and other tax materials.]

**LAW 640 Evidence**

Fall or spring. 3 credits. S. D. Clymer, F. F. Rossi.  
The rules of evidence in civil and criminal cases with emphasis on relevance, authentication, witnesses, experts, and hearsay. The course will focus on the Federal Rules of Evidence, with some attention to how they diverge from the common law.

**LAW 641 Family Law**

Spring. 3 credits. M. E. Price.  
An examination of the ways in which law seeks to intervene in the family as an institution. Besides examining the usual matters surrounding the legal formation and dissolution of families, the course emphasizes issues relating to children and pressures for new legal definitions of the family arising from social changes.

**LAW 643 Federal Courts**

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

**LAW 644 Federal Income Taxation**

Fall or spring. 4 credits. Limited enrollment. R. A. Green, T. Eisenberg.  
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 History of the Common Law**

2 credits. Not offered 1998-99.  
A study of the development in England (with occasional digressions into Scotland) of the institutional framework and the substantive law of the system known as the common law. Classes focus on the chronological development of the system, with particular attention

to the law of real property and trespass writs. The course concerns events from the Norman Conquest in 1066 down to the period of the ready availability of Blackstone's Commentaries, circa 1780.]

**LAW 648 Injunctions**

Fall. 3 credits. Limited enrollment. C. R. Farina.  
Focuses on the availability and use of the injunction: the substantive and procedural prerequisites for obtaining interlocutory and permanent injunctions, permissible scope and timing, and the duties of those enjoined. Special consideration is given to the use of the injunction as a remedial tool for federal courts in public law litigation. This course will include a substantial writing component in the form of several drafting exercises.

**LAW 650 Insurance**

Spring. 2 credits. J. A. Henderson, Jr.  
Insurance is an increasingly important tool for the management of risk by both private and public enterprises. This course provides a working knowledge of basic insurance law governing insurance regulation; risk classification; property, commercial, and liability insurance; and claims processes. The emphasis throughout the course is on the link between traditional insurance law doctrine and modern ideas about the function of private law.

**[LAW Intellectual Property**

3 credits. Not offered 1998-99.  
An introduction to the domestic and international context of intellectual property law with a review of state and federal law relating to intellectual property, principally copyright, patent, and trademark law. Intellectual property issues raised by new information technologies are emphasized throughout the course.]

**LAW 652 International Business Transactions**

Spring. 3 credits. J. J. Barceló III.  
An examination of the unique legal features of business transactions across national boundaries. Topics include trade in goods and services, technology licensing, and private commercial law in an international setting; international dispute settlement (litigation and arbitration); government regulation of imports and exports (trade policy); international antitrust; international agreements for the control and harmonization of national regulatory policy; and foreign investment.

**LAW 653 International Commercial Arbitration**

Spring. 2 credits. J. J. Barceló III.  
A study of arbitration as a dispute resolution process for international trade and business disputes. The course analyzes ad hoc and institutional 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 will give special attention to the international convention on the recognition and enforcement of international arbitral agreements and awards (New York Convention) and the UNCITRAL (U.N. Commission of International Trade Law) arbitral rules and model law. It will focus on commercial arbitration as an international phenomenon and not on arbitration under any particular national system.

**LAW 655 International Human Rights**

Spring. 3 credits. M. B. Ndulo.

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

**[LAW International Protection of Intellectual Property**

2 credits. Recommended prerequisite:

Intellectual Property. Not offered 1998-99.

This course studies intellectual property rights in the international legal system. A general introduction reviews the international protection of patents, trademarks, industrial design, and copyright. The starting and focal point is the Agreement on Trade Related Aspects of Intellectual Property (TRIPS) adopted in the framework of the World Trade Organization (WTO). The international protection of intellectual property is studied through consideration of the TRIPS agreement and the several international conventions the observation of which is made mandatory for WTO Members by TRIPS. Also examined are issues of international court jurisdiction and applicable law in the area of intellectual property.]

**LAW 657 International Taxation**

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

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

**[LAW Labor Law**

3 credits. Interested students may, however, cross-register in ILR 501, Labor and Employment Law. Not offered 1998-99.

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

**LAW 664 Law and Medicine**

Fall. 3 credits. L. I. Palmer.

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

**LAW 668 Lawyers and Clients**

Fall or spring. 3 credits. Satisfies the professional responsibility requirement.

R. C. Cramton.

The usual vantage point of the law student and the lawyer is one outside the system of law. Law is something we study, shape, use, attack, or act upon in one way or another. That vantage point is, however, a creation of law itself and thus an illusion. This course examines the boundaries of that illusion. It examines the content of the law that governs lawyers. Agency law, criminal law, tort law, civil procedure, and the codes of ethics. It examines the roles that law creates for lawyers and the morality of those roles.

**LAW 669 Legal Aspects of Foreign Investment in Developing Countries**

Fall. 3 credits. M. B. Ndulo.

This course will study legal aspects of foreign investments in developing countries. The course will include a discussion of the following topics: economic development and foreign capital; obstacles to investment; guarantees to investors and investment codes; nationalization; joint ventures; transfer of technology; international protection of foreign investment; procurement; unification of trade law and settlement of disputes.

**[LAW Legislation**

3 credits. Not offered 1998-99.

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

**[LAW Negotiation**

2 credits. Limited enrollment. Not offered 1998-99.

This course is intended to develop methods and skills required for negotiation practice. Approaches to negotiation strategy formation, preparation, and conduct will be explored through discussion of selected readings and through class exercises. Students will engage in four or more mock negotiations in situations that typically involve lawyers.]

**LAW 675 Patent and Trademarks**

Fall. 3 credits. Limited enrollment.

D. Bordewieck.

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

**LAW 677 Private Justice: Arbitration and Other Forms of Alternative Dispute Resolution**

Spring. 4 credits. Limited enrollment.

K. V. W. Stone.

Arbitration has become a major aspect of legal practice in such fields as labor law, commercial law, securities law, family law, and other areas. This course will examine the developing law of arbitration and the relationship between private arbitration and the judicial system. It will examine issues such as the enforceability of arbitration agreements,

arbitral due process, judicial review of arbitration awards, and the effect of arbitration on statutory rights. It will also examine other forms of alternative dispute resolution, including mediation, small claims courts, and the new mandatory arbitration requirements of some federal and state judicial systems. The course focuses on the law of alternative dispute mechanisms and includes six simulation and problem solving sessions.

**LAW 678 Products Liability**

Fall. 3 credits. J. A. Henderson, Jr. Applications of products-liability doctrine and theory to a variety of problems drawn from or closely approximating actual litigation. An overview of the relevant case law, statutes, and administrative regulations, including the new *Restatement of Torts, Third: Products Liability*.

**LAW 680 Public International Law**

Fall. 3 credits. A. Addis.

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

**LAW 681 Roman Law and Modern Civil Law Systems**

2 credits. H. Hausmaninger.

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

**LAW 682 Secured Transactions**

Fall. 3 credits. L. M. LoPucki.

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

**LAW 683 Securities Regulation**

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

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

**LAW 684 Social and Cognitive Psychology for Lawyers**

Fall. 3 credits. J. J. Rachlinski.

In their short history, cognitive and social psychology have produced a rich understanding of how human beings think and how they interact with each other. It should therefore come as no surprise that these two fields have a number of applications to law. This course will explore those applications. Examples include: what effect common errors in judgment have on tort and contract law; how the perception of risk affects societal demand for regulation in environmental law; how organizational and group decision-making processes affect corporate governance; how social norms about fairness impede or facilitate negotiation and dispute resolution; how biases in judgment influence litigation strategies; and what studies of conformity mean for the development of international human rights law. The goal of this course is to introduce students with interests in different areas of law to some general principles of human thought and social interaction that will be valuable to them in their future practice.

**LAW 685 Sports Law**

Spring. 2 credits. Recommended prerequisite: Antitrust Law and Labor Law. W. B. Briggs.

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

**LAW 686 Statistics and the Law**

Spring. 3 credits. Not available to students with prior training in inferential statistics without permission of instructor. Limited enrollment. F. S. McChesney.

An introduction to statistical methods most commonly used in the law today, which assumes no prior knowledge of statistics. The course builds sequentially from elementary notions of probability and distributions to sophisticated topics in inferential statistics, including hypothesis testing and multiple regression analysis. Use of statistics in particular cases (e.g., employment discrimination) is studied, but the emphasis is on general technique. No final exam; grades are awarded on the basis of five take-home exercises distributed during the semester and a final statistical project of the student's choosing.

**LAW 687 Supervised Teaching**

Fall or spring. 1 or 2 credits. Arrange directly with instructor. See Law School Catalog.

**LAW 688 Supervised Writing**

Fall or spring. 1, 2, or 3 credits. A two- or three-credit supervised writing program may also fulfill the second writing requirement. Arrange directly with instructor. See Law School Catalog.

**LAW 689 Taxation of Corporations and Shareholders**

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

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

**LAW 692 Trial Advocacy**

Spring. 4 credits. Prerequisite: Evidence. Limited enrollment. F. F. Rossi.

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

**LAW 694 Trusts and Estates**

Fall. 4 credits. G. S. Alexander.

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

**PROBLEM COURSES AND SEMINARS**

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

**LAW 700 Advanced Civil Procedure Seminar**

Fall. 3 credits. R. B. Kent.

This seminar is a study of complex civil litigation involving multiple parties and multiple claims. Topics include joinder of parties and claims, impleader, interpleader, class actions, and intervention. There will be consideration of case management, multidistrict transfers in the federal courts, and the use of alternative dispute resolution techniques. Current issues, such as the use of settlement class actions, will be considered. Students will write and present seminar papers on topics of their selection.

**LAW 701 Advanced Criminal Procedure Seminar: Pre-Conviction**

Fall. 3 credits. Recommended prerequisite: Criminal Procedure. S. D. Clymer.

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

**[LAW Advanced Criminal Procedure Seminar: Post-Conviction Remedies**

3 credits. Not offered 1998-99.

This seminar will explore various post-conviction remedies available to state and federal prisoners, including motions for new trial, state post-conviction proceedings, federal habeas corpus, and other extraordinary writs. A paper will be required.]

**[LAW African Americans and the Supreme Court**

3 credits. Not offered 1998-99.

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

**LAW 703 Advanced Legal Research**

Spring. 3 credits. C. M. Germain and staff.

Teaches cutting-edge research techniques to prepare students for practice in the law office of the future. Focuses on desktop electronic legal research, and covers U.S., international, and foreign law, as well as multidisciplinary research. The course 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 704 Advanced Legal Writing and Analysis**

Fall or spring. 3 credits. B. S. Williams.

This seminar will explore in some detail the principles of legal analysis and writing through the medium of various documents produced in representing a hypothetical client in civil or criminal litigation. Students will conduct the necessary research on an assigned legal issue and then prepare a series of documents in preparation of the client's case. Those documents will include an office memorandum, a client letter, and a trial brief or memorandum in support of a motion. Students will rewrite each document after receiving written comments from Professor Williams and other students through collaborative editing exercises.

**LAW 707 American Legal Theory**

Fall. 3 credits. R. S. Summers.

The fall 1998 topic for this seminar is the formality of basic types of legal phenomena such as criteria of valid law (for both publicly and privately made law), statutory rules, accepted methods of statutory interpretation, the principle of stare decisis and common law rules, adjudicative processes, limitations on judicial power to modify rules, and the formal characteristics of the legal system viewed as a whole. American law lacks appropriate formality in many important ways and a heavy price is paid for this. However, legal formality and its distinctive underlying rationales (general legal values) profoundly affect the overall content of law and its practice by lawyers in the American as well as other legal systems. Such formality and its rationales have as much or more of a claim to primacy as the essence of law than do problem-specific policies that also inform the law's content. In this seminar, there is about equal emphasis on practical skills and theory.

**LAW 708 Biblical Law**

Spring. 3 credits. C. M. Carmichael.

Analysis of law and narrative in the Bible from the perspective of ancient law and legal history. Topics include the nature of the law codes (e.g., hypothetical formulation versus statutory law), legal issues in the narratives

(e.g., law of adultery and women's rights), law and morality (e.g., Ten Commandments), law and religion (e.g., institutions guaranteed by the law but condemned by religious authority), the transformation of extralegal relations into legal ones (e.g., with the introduction of money), legal interpretation in antiquity (e.g., Sermon on the Mount), social factors in legal development (e.g., shame and guilt), and aspects of criminal, family, and private law (e.g., eye for an eye, incest rules, and unjust enrichment).

**[LAW Children and the Law**

3 credits. Not offered 1998-99. Strategies for, and problems of, expanding constitutional and statutory protection of children's interests. Pervasive questions include: How do we determine the interest of the child? In what circumstances can we rely on the state to define and advance the child's interests? To what extent do parental rights limit state attempts to "help" the child? Can concepts of due process developed from rights adults enjoy ever suffice to protect the most basic interests of children? The course also covers the rights of children in adoption and custody proceedings, the rights of handicapped children, the rights of abused children, the procedural rights of children charged with delinquency, and the substantive limits on state interference with minors' liberty. A paper and two critiques are required.]

**LAW 710 Constitutional Law and Political Theory**

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

**LAW 713 Corruption Control**

Spring. 3 credits. R. C. Goldstock. This seminar examines the factors that facilitate and inhibit public or private corruption and analyzes the wide variety of criminal, civil, and nontraditional approaches designed to control corruption and to promote governmental and commercial integrity.

**LAW 714 Critical Race Theory**

Spring. 3 credits. A. Addis. This seminar will explore the relationship between critical understandings of the significance of race and legal interpretation. Of particular importance will be the examination of how societal values and customs, expressed in legal rules purporting to address racial issues, inhibit critical approaches to the concerns of justice for disadvantaged groups.

**LAW 715 Dispute Resolution Techniques**

Spring. 3 credits. D. W. Plant. A course offering students an opportunity to learn conflict management and dispute resolution techniques in negotiation, mediation, and arbitration of commercial disputes, usually in the intellectual property context. The course will be scheduled to take place on certain full weekends to be announced.

**[LAW Employment Discrimination**

3 credits. Not offered 1998-99. This seminar explores contemporary problems in equal-employment law. It focuses on legal issues involving Title VII, comparable worth, wrongful discharge, disability discrimination,

age discrimination, and equal pay. Students are required to submit a paper as partial fulfillment of the requirements of the course.]

**LAW 716 Empirical Studies of the Legal System**

Spring. 3 credits. T. Eisenberg. This seminar guides students in their own empirical studies of the legal process. Students derive research topics from a variety of empirical sources and design and run their own computer programs. Sample topics may include evaluating patterns of punitive damages awards, studying jurors' perceptions in death penalty cases, evaluating the success rates and burden of Title VII cases, and studying products liability cases.

**[LAW Ethnic Conflict and International Law**

3 credits. Recommended prerequisite: International Human Rights or Public International Law. Not offered 1998-99. This seminar examines the status and rights of ethnic, racial, religious, and national groups under international law, and considers the role of international law in developing an adequate response to intercommunal conflicts in Europe, Asia, and Africa. Topics include the sources of nationalism and ethnic conflict, pertinent individual and group rights, principles of humanitarian law and humanitarian intervention, the relationship between group identity and democracy, the role of international organizations in responding to ethnic conflict, and possible solutions to ethnic conflict, including secession, autonomy, and federalism.]

**LAW 720 European Union Law**

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

**LAW 725 Family Law Seminar**

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

**LAW 726 Federal Litigation Seminar**

Spring. 3 credits. D. Bordewick. This seminar is designed for students genuinely interested in being litigators. We will explore the "real world" of civil litigation in federal court, from commencement of a lawsuit through termination by some means other than trial. Particular attention will be given to local rules; complaints; answers; document requests and responses thereto; venue motions; preliminary injunction motions; summary judgment motions; nonparty discovery; sanctions; FRCP 26 disclosures and requirements; attorney-client privilege issues; and case management procedures and orders. Throughout we will

endeavor to determine how one rationally litigates before frequently disinterested judges pursuing their own agendas and against counsel evidencing little regard for the rules or the law.

**LAW 727 Feminism and Gender Discrimination**

Spring. 3 credits. K. Abrams. The seminar provides an introduction to feminist theory as it has emerged in legal scholarship and the social sciences. Several feminist legal theories are then used as a framework for analyzing a series of legal problems implicating gender. Among the problems discussed are sexual harassment, work-family conflict, divorce and child custody, surrogacy, abortion, rape, spousal abuse, and pornography.

**LAW 728 Foundations of Criminal Law**

Fall. 3 credits. S. P. Garvey. Prerequisite: Criminal Law. The purpose of this seminar is to examine various theoretical issues in the substantive criminal law. Among the topics to be discussed are the justification (if any) for punishment; the relationship between theories of punishment and political theory; the moral limits on the authority of the state to criminalize conduct; theories of excuse and justification in the criminal law; and the role of emotion and reason in the criminal law.

**[LAW Foundations of Employment Law**

3 credits. Prerequisite: Labor Law or Employment Law. Not offered 1998-99. This seminar studies labor markets to catalog ways they succeed and ways they fail, and assesses ways that labor market regulation attempts to correct market failure. Both labor law (regulation of unions) and employment law (regulation of the nonunion workplace) topics are covered. Specific topics include: internal labor markets and contingent workers; the decline of unions; policies underlying the National Labor Relations Act; the erosion of the employment-at-will doctrine; and regulation of health care and pensions. To add perspective, the seminar will attempt a comparative examination of the legal systems of Canada, Japan, Germany, France, New Zealand, and Macedonia.]

**LAW 729 Health Care Reform**

Spring. 3 credits. H. R. Beresford. This seminar will address the role of law in efforts to resolve problems of access, quality, and costs in health care. Regulatory market-based, professional and other models of reform will be evaluated. Materials will include a health law casebook and selected readings from medical and health policy sources. Students will prepare and present their seminar papers on self-selected topics.

**LAW 731 Immigration and Refugee Law**

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

resources, the imperatives of mass administrative justice, and pervasive discrimination. In approaching these questions, the course draws on diverse historical, judicial, administrative, and policy materials.

#### **LAW 733 Introduction to French Law**

Spring. 3 credits. Prerequisite: not available to students with significant knowledge of civil law system.

C. M. Germain.

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

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

3 credits. Prerequisite: Labor Law. Not offered 1998-99.

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

#### **LAW 740 Law and Economics Seminar**

Fall. 3 credits. S. J. Schwab.

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

#### **LAW 741 Law and Higher Education**

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

J. J. Mingle.

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

#### **LAW 743 Law and Mental Health Seminar**

Fall. 3 credits. H. R. Beresford.

The seminar will explore issues at the interface of law and psychiatry. After an introduction to clinical and scientific aspects of mental illness, the seminar will address issues of autonomy, liberty, competency, coercion, and criminal responsibility as they relate to persons with disorders of behavior, cognition, or mood. Students will write and present seminar papers on self-selected topics.

#### **LAW 744 Law, Science, and Technology**

Fall. 3 credits. Y. M. Cripps.

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

#### **LAW 746 Lawyers and the Legal Profession**

Spring. 3 credits. Recommended prerequisite: Lawyers and Clients, taken previously or concurrently. Satisfies the professional responsibility requirement.

R. C. Cramton.

This seminar covers a wide range of issues relating to lawyers and the legal profession: the nature of professionalism; the organization of the legal profession; the lawyer in history and popular culture; the adversary ethic and its effect on lawyer behavior in both litigation and counseling settings; lawyer paternalism or subservience in the lawyer-client relationship; justice in the distribution of legal services; competition within the profession and with outside providers; and the role of legal education in forming the profession. Materials considered are drawn from law, moral philosophy, economics, and sociology. Novels, movies and other materials from popular culture will also be considered. Distinguished practitioners will participate in a number of seminar sessions.

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

Spring. 3 credits. J. E. Blyth.

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

#### **LAW 757 Legal Information Systems**

Fall. 3 credits. T. R. Bruce.

The seminar will address those qualities and effects of legal information databases which courses in legal research and the formal study of information retrieval do not. Whereas such courses and the disciplines from which they arise would see legal information systems as either research tools or as corpora that form a backdrop for the study of computer science techniques, we will be interested in such

systems as economic entities with particular importance to lawyers and their clients, and as phenomena that have a role in defining the activities and boundaries of lawyering. Why is one such database better than another, and what does such a functional analysis say about what lawyers do and think? What are the practice (and malpractice) implications of an array of differentially priced sources for legal information? What happens to the role of the lawyer when clients have equal or better access to the letter of the law? What is the boundary between legal information and legal advice? What combination of private and public actors provides the "best" system for distributing legal information? These questions, and others, will define our area of work. Such a discussion is particularly relevant at a time of major upheaval in the way these primary tools of the profession are defined, bought, and sold.

#### **[LAW Managed Care Seminar**

Spring. 3 credits. Not offered 1998-99.

Traditional fee-for-service indemnity insurance plans are being replaced by "managed care" as the dominant mode of financing health care in this country. This seminar will examine the role of law in resolving the ethical, social, and economic debate that managed care has generated. Opponents of the trend have called for legislation to set standards for what insurers must provide. For instance, in response to "drive-through deliveries," legislation has been proposed to increase the minimum number of hospital days for which a patient can be reimbursed after the birth of a child. On the other hand, proponents argue that health care providers, insurers, and even patients benefit from cost-containment measures. Meanwhile, lawyers for health care insurers, providers, employers, governments, and patients must cope with this changing environment by using existing legal doctrines or creating new ones. Each student will prepare a paper on some aspect of the role of law in managed care. These papers might involve, for example, a critique of a piece of legislation or examination of the various legal concepts used to adjust to the changing environment of health care in this and other industrialized countries.]

#### **LAW 758 Media and Globalization**

Spring. 3 credits. M. E. Price.

A comparative and international look at the laws regulating the information media, including broadcast, print, and electronic formats.

#### **LAW 759 Organized-Crime Control**

Fall. 3 credits. Prerequisite: Criminal Law. R. C. Goldstock.

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

#### **[LAW Principles and Particulars in Moral and Legal Theory (also PHIL 641)]**

3 credits. Not offered 1998-99.

To what extent do moral and legal decision making involve the application of general principles, and to what extent do they involve the appreciation of particular situations in all their concrete complexity? What is the relation between applying general principles and appreciating particulars? Are they complementary or do they interfere (perhaps irreparably) with one another? Moreover,

how is each related to the demands of justice? Can someone who denies that morality consists of a set of general principles give an adequate assessment of the sort of universality that justice seems to require? Does the blind application of principles lead to substantive injustice? The seminar, which will take contemporary readings of Aristotle's ethics as its point of departure, will focus on two related debates: first, the debate in contemporary ethics between those who emphasize the importance of general principles to particulars; and second, the debate in contemporary legal theory between those (often traditionalist) who emphasize the importance of "formal" principles and those (often progressivists) who emphasize the importance of "substantive" considerations. Readings from a variety of philosophical and legal sources will possibly include: John McDowell, Martha Nussbaum, Onora O'Neill, Ronald Dworkin, Martha Minow, Margaret Radin, Frederick Schauer, Robin West, and Duncan Kennedy.]

#### **LAW 765 Selected Business Transactions Seminar**

Fall. 3 credits. Recommended prerequisites: Corporations. Z. J. Shulman. An in-depth look at initial public offerings and acquisitions from a practitioner's point of view. With respect to initial public offerings, the course will cover: the applicable statutory framework, pre-offering corporate preparations (such as the implementation of poison pills and stock option plans), the due diligence process, the implementation of corporate governance policies appropriate for a public company, the offering registration process, liability under federal securities laws, the Securities and Exchange Commission review process, underwriting arrangements, selection of a trading forum (i.e., NYSE, NASDAQ, or AMEX) and the transaction closing. Regarding mergers and acquisitions, the course will explore: financing alternatives, accounting treatment, due diligence, choosing an appropriate transaction structure (i.e., stock versus asset sale), public company transaction issues i.e., antitakeover matters and fiduciary concerns, fiduciary duties, and crucial legal aspects of the acquisition, such as letters of intent, successor liability, continuity of employees and non-competition agreements.

#### **[LAW Separation of Powers**

3 credits. Prerequisite for LLM students: Constitutional Law and Administrative Law or permission of instructor. Not offered 1998-99.

The last fifteen years 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 Sovereignty, Self-Determination, and Secession**

3 credits. Not offered 1998-99. This seminar examines the evolution and meaning of the concept of statehood, the legal rules governing the formation, existence, and breakup of states, and the historical, political, and philosophical underpinnings of those rules. Topics include the conditions for statehood, the meaning of territorial integrity, the status of territorial entities other than states, the international status of peoples and their right to self-determination, possible bases

for a right to secession, the legal consequences of secession, and the use of force to separate or hold together an existing state. Special attention will be given to applying these concepts to contemporary events.]

#### **LAW 768 The Supreme Court and the Death Penalty**

Fall. 3 credits. J. J. Blume. This seminar will examine the role of the Supreme Court in modern capital punishment jurisprudence focusing on how, and to what extent, the Court's view of death penalty cases has changed in the last thirty years. Students will have the option of writing a paper or assisting in the research for and drafting of a petition for writ of certiorari or brief filed in the Supreme Court.

#### **[LAW Tax Policy Seminar**

3 credits. Prerequisite: Federal Income Taxation. Not offered 1998-99. This seminar analyzes the tax policy goals of fairness, simplicity, and economic efficiency, and examines how well the present tax system satisfies these goals. Specific topics include: progressivity of the tax rate structure; use of the tax system to advance social policies; tax legislative process; taxation of the family; comparison of income and consumption taxes.]

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

3 credits. Prerequisite: Constitutional Law. Course not available to students who have already taken Civil Liberties Clinic. Not offered 1998-99.

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

#### **LAW 777 Theories of Property**

Fall. 3 credits. Prerequisite: Property. G. S. Alexander. This seminar explores the various ways that people have conceived of, or understood, property. The materials studied are eclectic and interdisciplinary. They include readings on slavery and property, women and property, community interests in property, as well as classical theories (libertarian, utilitarian, Marxian).

#### **LAW 778 United Nations, Elections, and Human Rights**

Fall. 3 credits. M. B. Ndulo. This seminar will focus on elections and human rights. Taking part in the conduct of public affairs is a basic human right increasingly prized by people throughout the world. Universally the right to take part in government is proclaimed and guaranteed by the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights and is recognized in many other treaties and declarations. Sometimes free and fair elections necessitate international assistance to countries to aid them in fulfilling international human rights standards, and cooperation in establishing and strengthening the legal, technical and physical infrastructures necessary to carry out elections. This seminar will explore the basic international human rights principles relating to free and fair elections and the right to take part in government.

#### **[LAW Voting and Political Participation**

3 credits. Recommended prerequisite: some previous experience with legal materials (case studies, statutes) will be helpful, but is not required. Not offered 1998-99.

This course will explore the meanings assigned to political participation in the American political system and examine a series of instances in which the law has been used to enhance, equalize, or otherwise regulate voting and other forms of political participation. The course will begin by investigating the problematic rationality of political participation, examining several arguments for participation notwithstanding the low probability that any participant's vote will have an effect on electoral outcomes. We will then use a brief survey of historical and contemporary denials of the franchise to shed further light on the meaning(s) of political participation. The second part of the course will turn to the question of legal regulation of the vote, examining the merits and proper scope of plebiscitary democracy; the problem of apportionment resolved and created by the "one persons, one vote" rule; and efforts to facilitate minority political participation under the Constitution and the Voting Rights Act.]

## CLINICAL COURSES AND EXTERNSHIPS

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

#### **LAW 781 Capital Punishment Clinic**

Spring. 3 credits. J. H. Blume, S. L. Johnson. This course is taught as a clinic. Three or four cases from South Carolina will be worked on by students. These cases may be in the trial state postconviction relief stage or the federal habeas corpus stage, depending on the vagaries of litigation and the needs of the South Carolina Center for Capital Litigation. Students will read the record, may assist in drafting the initial pleading (an application for postconviction relief or a federal habeas petition), and/or may then assist in the preparation of briefs. Students are included in discussion regarding the necessary investigation and the thought process about the case. Some students will do investigative work.

#### **LAW 784 Government Benefits Clinic**

Fall or spring. 6 credits. Requires simultaneous enrollment in Legal Aid Clinic 1, Legal Aid Clinic 2, or Legal Aid Clinic 3 (6 hours combined credit for both courses when combined with LA1, LA2, or LA3). B. Strom. The course has both a substantive component, in which a broad conceptual understanding of a complex and controversial area of law and public policy is developed, and a live client clinical experience, in which those concepts can be applied in solving actual client problems. The substantive component of the course provides an introduction to government benefits law by examining various need-based benefit programs including Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), and Food Stamps. Case handling involves the representation of clients in government benefits cases (social security, public assistance, food stamps, unemployment insurance, Medicaid,



SSI, etc.) involving both the Tompkins County Department of Social Services, the N.Y.S. Department of Labor and the Social Security Administration. The course also includes a lawyering skills classroom component because students are simultaneously enrolled in Legal Aid 1, 2 or 3 (see the descriptions below).

**LAW 785 Government Benefits Clinic/ Neighborhood Legal Services Externship**

Fall or spring. 6 credits. This course is a combination of Government Benefits and the Neighborhood Legal Services Externship and either Legal Aid Clinic 1, Legal Aid Clinic 2, or Legal Aid Clinic 3 (6 hours combined credit for both courses when combined with LA1, LA2, or LA3).  
B. Strom.

The course is the same as Government Benefits except that the case-handling component involves handling cases for the Ithaca office of Neighborhood Legal Services. See that description for additional details.

**LAW 786 Judicial Externship**

Fall. 4 credits. G. G. Galbreath.  
Students work with a trial court judge. Work involves courtroom observation, conferences with the judge, research and writing memoranda, drafting decisions. The emphasis is on learning about judges, judicial decision-making process, and trials. There are weekly class meetings with readings and discussions of topics related to the externship experience.

**LAW 790 Law Guardian Externship**

Spring. 4 credits. J. M. Miner.  
Students will learn about the representation of children in abuse and neglect cases, juvenile delinquency proceedings, and PINS (Persons in Need of Supervision) cases through their placement at the Tompkins County Law Guardian office. Duties may include interviewing, investigating, drafting memoranda and motions, and assisting in trial preparation. Participants are required to attend the classroom component of Legal Aid 1 or 3 (see descriptions below).

**LAW 791 Legal Aid Clinic 1**

Fall or spring. 4 credits. On Thursdays, fall term, and Mondays, spring term of the second and third week of the term, LA1 will meet 3:00 p.m.–8:00 p.m. Classes are mandatory for all Legal Aid Clinic 1 students and all students in courses that include the LA1 classroom component.  
N. L. Cook (spring), G. G. Galbreath, J. M. Miner (spring), B. Strom.  
Participants handle civil cases for low-income clients of the Legal Aid Clinic under the supervision of the clinic faculty. Students interview and counsel; investigate and analyze facts; interrelate substantive and procedural law with facts in the context of actual representation; develop a strategy to handle clients' problems; identify and resolve professional responsibility issues; do legal writing; negotiate and settle cases; and represent clients at administrative hearings. Seminar classes seek to develop interviewing, counseling, negotiation, and advocacy skills through the use of readings, videotapes, discussions, demonstrations, and simulation exercises.

**LAW 792 Legal Aid Clinic 2**

Fall. 4 credits. Prerequisite: Legal Aid Clinic 1 or a clinic course that includes the Legal Aid 1 classroom component.  
G. G. Galbreath, W. A. Kell, B. Strom, P. J. Williams.

Students handle legal aid cases, participate in a classroom component, and help supervise participants in Legal Aid Clinic 1. Cases are handled as described in the course description for Legal Aid 1. Students represent the clinic's clients in both federal and state courts.

**LAW 793 Legal Aid Clinic 3**

Spring. 4 credits. Prerequisite: Legal Aid Clinic 1 or a clinic course that includes the Legal Aid Clinic 1 classroom component.  
N. A. Cook, G. G. Galbreath, J. M. Miner, B. Strom.

Students handle legal aid cases, participate in a classroom component, and help supervise participants in Legal Aid Clinic 1. Cases are handled as described in the course description for Legal Aid 1. Students represent the clinic's clients in both federal and state courts.

**LAW 794 Legislative Externship**

Spring. 3 credits. B. Strom.  
The students work with the local New York State Member of Assembly. Work involves drafting legislation, tracking legislation for constituents, legal research and writing, responding to constituent requests that particularly require legal research or an explanation of law. The emphasis is on learning about legislative process, drafting of legislation, understanding the reasons for statutory ambiguity, and developing various skills. There are several informal meetings with the faculty supervisor during the semester with readings and group discussions related to the externship experience.

**LAW 795 Neighborhood Legal Services Externship**

Fall or spring. 4 credits. Requires simultaneous enrollment with Legal Aid Clinic 1, Legal Aid Clinic 2, or Legal Aid Clinic 3. (4 hours combined credit for both courses when combined with LA1 or LA2). B. Strom.

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

**[LAW Public International Law Clinic**

Fall. 3 credits. Prerequisites: Public International Law or International Human Rights. Not offered 1998–99.  
Students will prepare legal memoranda and policy proposals for foreign governments and international organizations. The memoranda will be prepared in coordination with the Public International Law and Policy Group, a nonprofit organization that provides *pro bono* advice on issues of public international law to governments, NGOs, and international organizations. Possible subject areas include minority rights, border treaties, citizenship and nationality disputes, state succession issues, and war crimes.]

**[LAW Religious Liberties Clinic**

4 credits. Year-long offering. Not offered 1998–99.

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

**LAW 797 Small Business Clinic**

Spring. 5 credits. W. A. Kell.  
Students will learn and apply a broad range of knowledge in business-related law, through participating in interdisciplinary teams of students assisting microenterprise entrepreneurs with legal and business needs, specifically child care programs. Faculty from the Law School, the Johnson School of Management, and College of Human Ecology will supervise teams of students from each of the above colleges and provide classroom teaching. Under such supervision, student teams will work autonomously to consult with and provide technical assistance to the child care entrepreneur. Critical questions include: what are the needs of small businesses for legal consultation in order to survive and thrive? How can professionals of different disciplines work together most effectively to assist small businesses, given the often interconnected nature of legal and business problems? What practices are most conducive to the creation of viable small businesses, enabling entrepreneurs to respond to often-conflicting consumer needs for high quality (but affordable) services? Readings will be drawn from areas of contract, tort, property, employment, and administrative law, as well as areas of business planning, entrepreneurship, and consumer issues. There will be weekly classroom sessions focused on substantive areas of knowledge, the development of client relationships, and ethical issues. Weekly team meetings will also be required for supervision. Guest speakers from each of the colleges will offer additional experiences for learning and discussion. Writing and research requirements will be met through student work on behalf of the client entrepreneurs, including the development of contracts, procedures, articles of incorporation, and other documents, as well as internal legal memoranda and business plans.

**LAW 798 Women and the Law Clinic**

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

## NONPROFESSIONAL COURSE

### **GOVERNMENT 313 The Nature, Functions, and Limits of Law**

Spring. 4 credits. Undergraduates only.  
R. A. Hillman.

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

## FACULTY ROSTER

Abrams, Kathryn, J.D., Yale U. Prof.  
Addis, Adeno, J.S.D., Yale U. Visiting Prof.  
Alexander, Gregory S., J.D., Northwestern U. Prof.  
Barceló, John J. III, S.J.D., Harvard U.  
William Nelson Cromwell Professor of International and Comparative Law  
Blume, John H., J.D., Yale U. Visiting Prof.  
Clemont, Kevin M., J.D., Harvard U.  
James and Mark Flanagan Professor of Law  
Clymer, Steven D., J.D., Cornell U. Assoc. Prof.  
Cramton, Roger C., J.D., U. of Chicago.  
Robert S. Stevens Professor of Law  
Cripps, Yvonne M., Ph.D., U. of Cambridge. Visiting Prof.  
Eisenberg, Theodore, J.D. U. of Pennsylvania.  
Henry Allen Mark Professor of Law  
Farina, Cynthia R., J.D., Boston U. Prof.  
Garvey, Stephen P., J.D., Yale U. Assoc. Prof.  
Germain, Claire M., M.L.L., U. of Denver.  
Edward Cornell Law Librarian and Professor of Law  
Green, Robert A., J.D., Georgetown U. Assoc. Prof.  
Hausmaninger, Herbert, Dr. jur., Graz. Visiting Prof.  
Hay, George A., Ph.D., Northwestern U.  
Edward Cornell Professor of Law and Professor of Economics in the College of Arts and Sciences  
Henderson, James A., Jr., LL.M., Harvard U.  
Frank B. Ingersoll Professor of Law  
Hillman, Robert A., J.D., Cornell U.  
Edwin H. Woodruff Professor of Law  
Holden-Smith, Barbara J., J.D., U. of Chicago. Assoc. Prof.  
Johnson, Sheri L., J.D., Yale U. Prof.  
Kahng, Lily, J.D., Columbia U. Assoc. Prof.  
Kent, Robert B., LL.B., Boston U. Prof. Emeritus  
LoPucki, Lynn M., LL.M., Harvard U.  
A. Robert Noll Professor of Law  
Macey, Jonathan R., J.D., Yale U.  
J. DuPratt White Professor of Law  
Martin, Peter W., LL.B., Harvard U.  
Jane M. G. Foster Professor of Law  
McChesney, Fred S., Ph.D., U. of Virginia. Prof.  
Ndulo, Muna B., D. Phil., Trinity C. Visiting Prof.  
Osgood, Russell K., J.D., Yale U. Prof.  
Palmer, Larry I., LL.B., Yale U. Prof.  
Price, Monroe E., LL.B., Yale U. Visiting Prof.  
Rachlinski, Jeffrey J., Ph.D., Stanford U. Assoc. Prof.

Rossi, Faust F., J.D., Cornell U.  
Samuel S. Leibowitz Professor of Trial Techniques  
Rudden, Bernard, D.C.L., Oxford U. Visiting Prof.  
Schwab, Stewart J., Ph.D., U. of Michigan. Prof.  
Shiffirin, Steven H., J.D. Loyola U. of Los Angeles. Prof.  
Siliciano, John A., J.D., Columbia U. Prof.  
Simson, Gary J., J.D. Yale U. Prof.  
Stone, Katherine V. W., J.D., Harvard U. Prof.  
Stowe, Matthew F., J.D., Harvard U. Visiting Asst. Prof.  
Summers, Robert S., LL.B., Harvard U.  
William G. McRoberts Research Professor in Administration of the Law  
Taylor, Winnie F., LL.M., U. of Wisconsin. Prof.  
Wippman, David, J.D., Yale U. Assoc. Prof.

### Lecturers

Cook, Nancy L., J.D., Georgetown U. Senior Lecturer  
Galbreath, Glenn G., J.D., Case Western Reserve U. Senior Lecturer and Director, Cornell Legal Aid Clinic  
Kell, William A., J.D., Wayne State U. Visiting Lecturer  
Miner, JoAnne M., J.D., U. of Connecticut. Senior Lecturer  
Strom, Barry, J.D., Cornell U. Senior Lecturer  
Williams, Paulette J., J.D., New York U. Visiting Senior Lecturer

### Academic Library Staff

Germain, Claire M., M.L.L., U. of Denver.  
Edward Cornell Law Librarian and Professor of Law  
Childs, Scott E., M.L.S., Florida State U. Head of Collection Development and Acquisitions  
Court, Patrica G., M.L.S., Indiana U. Asst. Director for Administration and Public Affairs, Head of reference  
Pajerek, Jean M., M.L.S., SUNY-Albany. Head of cataloging

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

Booth, Richard S., J.D., George Washington U. Assoc. Prof., College of Architecture, Art, and Planning  
Carmichael, Calum M., B. Litt., Oxford U. Prof. College of Arts and Sciences  
Hyams, Paul R., D. Phil., Oxford U. Assoc. Prof. College of Arts and Sciences

### Adjunct Faculty Members

Beresford, H. Richard, M.D., U. of Colorado. Adjunct Prof.  
Blyth, John E., Dr.jur., Goethe U. Adjunct Prof.  
Bordewieck, Douglas, J.D., Harvard U. Adjunct Prof.  
Briggs, W. Buckley, J.D., Georgetown U. Adjunct Prof.  
Bruce, Thomas R., M.F.A., Yale U. Adjunct Prof.  
Colapietro, Bruno, J.D., Cornell U. Adjunct Prof.  
Goldstock, Ronald G., J.D., Harvard U. Adjunct Prof.  
Hanks, James L., Jr., LL.M., Harvard U. Adjunct Prof.  
Mingle, James J., J.D., U. of Virginia. Adjunct Prof.  
Plant, David W., LL.B., Cornell U. Adjunct Prof.

Shulman, Zachary, J.D., Cornell U. Adjunct Prof.  
Tahsuda John, J.D., Cornell U. Adjunct Prof.  
Yale-Loehr, Stephen W., J.D., Cornell U. Adjunct Prof.

### Legal Writing Program

Williams, Brian S., J. D., Indiana U. Senior Lecturer and Director of Legal Writing