

## LAW SCHOOL

### ADMINISTRATION

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### LAW SCHOOL

The primary function of the Law School is to prepare attorneys for both public and private practice where they will render the highest quality of ethical and professional service to their clients and 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, the Université de Paris I (Pantheon-Sorbonne), and Humboldt University, 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. Pass/Fail option unavailable. K. M. Clermont, B. J. Holden-Smith.

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. Pass/Fail option unavailable. T. Eisenberg, S. L. Johnson, 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. Pass/Fail 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. Pass/Fail option unavailable. S. D. Clymer, S. P. Garvey.

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

#### LAW 508 Legal Methods

Fall and spring. 4 credits. Pass/Fail option unavailable. P. S. Anderson, J. B. Atlas, C. D. Bond, C. Grumbach, E. M. McKee, A. J. Mooney.

Legal Methods is a full-year course designed to introduce first-year students to lawyering skills, with primary emphasis on legal writing, analysis, and research. In the context of a law office, students create some of the essential legal writings that lawyers produce. For example, students prepare predictive memoranda for their "boss," pointing out the

strengths and weaknesses of their client's case, and attempting to develop winning arguments. 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. Students determine and investigate the essential facts to support their client's case by interviewing or deposing various witnesses. 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. Pass/Fail option unavailable. G. S. Alexander, A. Riles.

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. Pass/Fail option unavailable. G. A. Hay, J. A. Henderson, Jr., D. A. Kysar, 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.

### GRADUATE COURSES

#### LAW 622 Contracts in a Global Society

Fall. 3 credits. Graduate program grading—Honors, Satisfactory, Unsatisfactory.

S. J. Schwab. Limited to graduate students. 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. 2 credits. Limited to graduate students. Graduate program grading—Honors, Satisfactory, Unsatisfactory. Limited enrollment. K. Silverstein.

This course provides foreign-trained lawyers with an introduction to the essential principles of legal writing in the United States and an opportunity to practice some of the forms of

writing common to American legal practice. Students will prepare such documents as client letters, memoranda, pleadings, and discovery demands in the context of representing a hypothetical client.

#### **LAW 799 Thesis**

Fall or spring. 5 credits. Limited to graduate students and students completing the joint J.D.-LL.M. program. Graduate program grading—Honors, Satisfactory, Unsatisfactory. J.D.-LL.M. program—Pass/Fail option unavailable.

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

## UPPERCLASS COURSES

#### **LAW 601 Accounting for Lawyers**

Fall. 2 credits. Availability of Pass/Fail option to be announced first day of class. B. B. Aldave.

This course is designed to introduce students to the basic concepts and fundamentals of financial accounting. It will focus 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.

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

Fall or spring. 3 credits. Limited enrollment. Pass/Fail option unavailable. 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, procedural modes of administrative policymaking; judicial review of agency action; and the oversight and control relationships between agencies and Congress or the President. The course provides a working familiarity with the fundamentals of administrative procedure, as well as a larger inquiry into the role of agencies in our constitutional system—and the effect of legal doctrine on shaping that role.

#### **LAW 603 Advanced Torts: Privacy, Relational, and Economic Interests**

Fall. 3 credits. Pass/Fail option available. M. Heise.

This course explores selected topics in the tort field not typically covered in the first-year Torts course. Three broad areas of civil liability receive particular attention: privacy (including defamation), relational, and economic interests (or business torts). The course also surveys leading theoretical background topics germane to tort law as a complement to the doctrinal coverage (e.g., economic analysis of tort law and relations between tort and contract regimes).

#### **LAW 608 American Indian Law**

Fall. 2 credits. Pass/Fail option available. D. T. White

This course is intended to provide a basic understanding and overview of the fundamental principles of Indian law. It will examine the origins of Indian law, historical development of the law, tribal sovereign powers, tribal-state conflicts, Indian water rights, economic development, and hunting and fishing rights. A number of recent cases will be discussed in detail. Students will be graded on the basis of short papers, rather than a final exam.

#### **LAW 609 Anatomy of a Deal: Entrepreneurial and Corporate Finance**

Spring. 2 credits. Availability of Pass/Fail option to be announced first day of class. K. K. Azzarelli.

Topics will include an introduction to capital structure and corporate finance during the various stages of a company's growth. While reviewing basic corporate law concepts such as the interests and rights of debt and equity holders and basic financial concepts such as valuation and optimal capital structure, the course will focus on the interests and rights of preferred equity holders. The remainder of the course will examine the anatomy of a private equity/venture capital deal. This will involve a review of the business and legal issues that arise in the context of a venture deal, discussion of the principal players involved, and a close look at the agreements employed. Finally, the course will touch on the role of private placements and the relevant securities laws exemptions under which venture deals are done.

#### **LAW 610 Antitrust Law**

Spring. 2 or 3 credits. (Students who have taken the antitrust course in the Paris program will receive two credit hours for this course. All others will receive three credit hours.) Pass/Fail option unavailable. G. A. Hay.

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

#### **LAW 611 Arbitration**

Fall. 3 credits. Pass/Fail option unavailable. R. K. Hull.

Arbitration is the principal method of resolving disputes between unions and employers, between securities brokers and their clients, and under international business agreements, and it is gaining favor in many other areas. This course familiarizes students with arbitration practice in a variety of fields through the use of simulation exercises, role-playing, and discussion of readings and videotapes. Class exercises focus on practical skills, including case preparation, preliminary hearings, all phases of case presentation, and post-hearing briefs. The practical distinctions between arbitration and traditional litigation are noted throughout.

#### **LAW 612 Banking Law and Regulation**

Fall. 3 credits. Pass/Fail option available. J. A. 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 that 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 addressed include entry restrictions, growth and expansion of bank activities, regulation of the business of banking, expansion through the bank holding-company structure, the financial holding-company structure, branch banking, interstate banking, and regulation of failing or failed banks. Attention is paid to the regulation of close substitutes for banks, particularly mutual funds, and to international banking.

#### **LAW 613 Bankruptcy**

Spring. 3 credits. Pass/Fail 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 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 Children, Parents, and the State**

2 credits. Not offered 2002–2003.

This course explores legal and social understandings of the rights of children, parents, and the state with respect to issues such as access to and control over the content of education, authority regarding health care, claims to speech and expression, and procreative decisions. The course also examines the operation of rights in connection with juvenile court jurisdiction over neglect and abuse, delinquency, and status offenses.]

#### **LAW 617 Comparative Law**

Spring. 2 credits. Availability of Pass/Fail option to be announced first day of class. S. P. Baumgartner.

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 or by country. 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 seeing past the categories of a given system, and thus to gain a better understanding of the reasons for the rules.

#### **[LAW Comparative Public Law**

2 credits. Limited enrollment. Not offered 2002–2003.

This course will focus on a comparison between the constitutional and administrative law of the United States and the United Kingdom and the structure and influences of the legislative, executive and judicial branches in those systems. Comparisons will also be drawn from the European Union, the Commonwealth and, where helpful, other foreign jurisdictions to illustrate the ways in which legal systems influence one another and evolve. Continental public law concepts such as legitimate expectations and proportionality are among those that will be examined in relation to the ways in which they have influenced the development of British and EU public law, and questions will be raised as to

whether such concepts have a role to play in the constitutional and administrative law of the United States. The recent introduction of a British Bill of Rights, similar to the United States and European Convention models, will provide further opportunities for comparative insight. The course will involve presentation and discussion of papers in class in lieu of a final exam. Each student will write a 10-15 page paper that will be presented in class as well as very brief written critiques of the other students' papers.]

#### **LAW 619 Conflict of Laws**

Spring. 3 credits. Pass/Fail option available. 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. Pass/Fail 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 Consumer Law in the Global Marketplace**

Spring. 3 credits. Availability of Pass/Fail option to be announced first day of class. W. Taylor.

This course will examine the basic rights, liabilities and responsibilities of parties engaged in consumer transactions. Viewing these transactions through the lens of a global marketplace, the course will focus on domestic and international problems pertaining to internet commerce, telemarketing, electronic funds transfers, credit reports, debt collection practices, credit costs, credit card fraud, false advertising, and other deceptive trade practices.

In addition, the course will explore credit discrimination issues, particularly those involving racial, gender, and other bias that impede fair access to consumer credit.

#### **LAW 623 Copyright**

Spring. 3 credits. Pass/Fail option unavailable. R. Ku.

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 624 Corporate and White Collar Crime**

Fall. 3 credits. Pass/Fail option available. S. P. Garvey.

White collar crime is one of the fastest growing areas of specialization in the legal profession today. The collapse of the savings and loan industry, rampant fraud in the nation's financial markets, and systemic corruption in the health care industry contributed to a dramatic increase in federal white collar crime prosecutions over the past twenty years. This course examines some of the principal statutes that are used to prosecute corporate and white collar crime. Theories of liability we will consider include traditional white collar offenses like mail and wire fraud, insider trading, perjury, and obstruction of justice. They also include more recent entries into the field such as RICO, money laundering, and laws enacted to combat government contract fraud. The course will also provide an introductory look at the Federal Sentencing Guidelines.

#### **[LAW Corporate Finance in Emerging Markets**

3 credits. Not offered 2002-2003.

The course examines legal aspects of various types of corporate finance transactions in emerging markets, and the role of commercial lawyers in these transactions. The course focuses on corporate finance transactions occurring in the midst of the transformation of former Soviet bloc states from command to market economic systems. Transactions in emerging markets pose different political, economic, social, and legal challenges from those arising from transactions in other, more predictable, legal systems. At the same time, the globalization of the world economy and the profound shortage of capital in many emerging markets make this one of the fastest growing field of commercial law.]

#### **LAW 625 Corporations**

Fall or spring. 4 credits. Limited enrollment. Pass/Fail option available. B. B. Aldave, J. A. Macey.

An introduction to the business corporation laws affecting the rights and roles of corporate boards of directors, senior executive officers, and shareholders, with an emphasis on large, publicly traded firms. Shareholders' economic interests are examined from the perspective of limited liability and dividend standards, expectations of liquidity or transferability of shares, and the use of debt capital as a mode of financing corporate activity. Shareholders' limited participation rights in corporate decision making are examined from the perspective of state and federal rules governing shareholder voting and the disclosure of corporate information and the notion of managerial expertise (e.g., as evidenced by judicial application of the "business judgment rule"). The latter part of the course focuses on directors' and officers' fiduciary obligations to shareholders, examining the operation of these duties in a variety of settings and transactions. Issues relating to the roles and functions assumed by corporate attorneys (with respect to their clients) and the role of business corporations within society are also addressed. No previous business knowledge is assumed.

#### **LAW 626 Criminal Procedure**

Fall. 3 credits. Pass/Fail option unavailable. S. D. Clymer.

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 627 Current Topics at the Crossroads of Law and Finance**

Spring. 3 credits. Pass/Fail option available. 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 looks at the way that these financial institutions are treated from both a legal and an economic perspective. Emphasis is placed on the intersections between modern financial theory and legal analysis. Topics covered include insurance, bank regulation and reform, securities markets, investment banking, and pensions.

#### **LAW 629 Cyberspace Law**

Fall. 3 credits. Availability of Pass/Fail option to be announced first day of class. R. Ku.

This course will expose students to the study of the rules and norms governing the control and dissemination of information in a computer mediated world. We live in a world in which information is increasingly distributed through computers rather than traditional mediums such as paper, broadcast, or film, and the interlinking of computers that make up the Internet has increased our ability to communicate and distribute information. Correspondingly, 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 or spring. 1 or 2 credits. Arrange directly with instructor. See page 18 of the Law School Catalog and Law School registrar. Must be taken Pass/Fail.

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 632 Education Law**

Fall. 3 credits. Pass/Fail 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 633 Employment Law**

Fall. 3 credits. Pass/Fail option available. S. J. Schwab.

Survey of major statutory schemes and common law doctrines that affect the employer-employee relationship in the private sector, other than laws regulating union formation and collective bargaining, which are covered in Labor Law. Topics covered include unjust dismissal, drug testing, free speech, privacy, and antidiscrimination laws, as well as wage and hours laws, employee benefit regulation, and safety and health regulation.

**LAW 636 Environmental Law**

Fall. 2 credits. Recommended prerequisite: Corporations. Pass/Fail option unavailable.

The course surveys the major environmental laws, with a primary focus on federal statutes. Emphasis will be 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 will be 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 Estate Planning**

2 credits. Limited enrollment. Not offered 2002-2003.

Problems involving planning and drafting for the transfer of property, both during lifetime and at death, taking into account relevant property law and federal and state income, gift, and estate taxes.]

**LAW 640 Evidence**

Fall or spring. 3 credits. J.H. Blume: (Pass/Fail option available); S. D. Clymer: (Pass/Fail option unavailable.) J. H. Blume, S. D. Clymer.

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 641 The Evolving Law of Patents: Patents and Biotechnology**

Fall. 2 credits. Limited enrollment. No prior knowledge of either patent law or biotechnology is needed for this course.

Pass/Fail option available. Y. M. Cripps. This course will focus on the ways in which biotechnological developments are affecting traditional notions of property, intellectual property and information. In addition to patent law, other forms of property protection, such as copyright, will be examined through a biotechnological prism and compared with the

way in which they operate, for example, in relation to the internet and digital technology. There will also be an examination of whether genetically engineered organisms and other biotechnological products should, if at all, be granted intellectual property protection either within the existing frameworks of intellectual property law or under some new regime designed specifically for that purpose. As is inevitable in any discussion of intellectual property law, international perspectives will be important. The course will involve presentation and discussion of papers in class in lieu of a final exam. Each student will write a 10-15 page paper that will be presented in class as well as very brief written critiques of the other students' papers.

**LAW 642 Family Law**

Fall. 3 credits. Pass/Fail option available. L. E. Teitelbaum.

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**

Spring. 4 credits. Prerequisite: Constitutional Law and second semester of Civil Procedure. Students without such background should consult with the instructor. Availability of Pass/Fail option to be announced first day of class.  
C. R. Farina.

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; 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 or spring. 4 credits. Pass/Fail option available. W. C. Gifford, R. A. Green. Limited enrollment.

A basic course designed to develop understanding of tax concepts and ability to work effectively with the Internal Revenue Code, regulations, cases, and other tax materials.

**LAW 646 Feminist Jurisprudence**

Spring. 3 credits. Availability of Pass/Fail option to be announced first day of class.  
M. A. Fineman.

This course examines the role of law, and, more generally, the role of the state, in perpetuating and remedying inequities against women. We will study several paradigmatic feminist legal theories, including equality, difference, dominance, and various antiessentialist theories (e.g. intersectional, poststructuralist). Among the questions considered will be: How does the law help to construct gender? In what ways does it interact with cultural images and assumptions regarding women to perpetuate women's disadvantaged status in society? To what extent can a set of institutions implicated in women's marginalization be used to remedy it? Can a legal system predicated on the liberal assumption of a unitary, 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 647 Health Law**

3 credits. Not offered 2002-2003.

This course examines the role of law and policy in the health care industry. Students are invited to take a "systems approach" to the study of the role of law in arriving at coherent policy solutions for a host of dilemmas facing a rapidly evolving industry. Students are asked to consider if a particular statute, regulation, or judicially crafted legal doctrine is consistent with new developments or any public policy towards health care. Topics covered include: access to health care; purchasing health care; commercialism vs. professionalism; the antitrust challenge to professional dominance; changing institutional providers; and public- and industry-sponsored quality control.]

**LAW 649 The IPO Process and Deal Structure Alternatives**

Fall or spring. 3 credits. Prerequisite: Corporations. Limited enrollment. Pass/Fail option available. 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 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 transaction closing. Regarding mergers and acquisitions, the course explores: 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 duty concerns), and crucial legal aspects of the acquisition, such as caps/collars, letters of intent, successor liability, continuity of employees, and noncompetition agreements.

**LAW 650 International Business: Transactional Law and Dispute Settlement**

Spring. 2 credits. Availability of Pass/Fail option to be announced first day of class.  
D. Ridgway.

The applicable legal regime and the role of law and lawyers in transactions that cross national boundaries. The law of international



sales, including the U.N. Convention on the International Sale of Goods, and trade terms. Financing international sales and transactions, the law of documentary and stand-by letters of credit. International dispute settlement, including litigation and arbitration.

**LAW 651 International Business: WTO and International Trade Law**

Spring. 3 credits. Pass/Fail 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 will also be given to non-trade values within the WTO system (environment, labor rights, and human rights).

**LAW 653 International Commercial Arbitration**

Fall. 3 credits. Pass/Fail 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 655 International Human Rights**

Spring. 3 credits. Recommended prerequisite: Public International Law. Pass/Fail option available. D. Wippman.

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, international human rights treaty bodies, and domestic courts; and current issues such as the doctrine of humanitarian intervention, the status of indigenous peoples, and human rights during armed conflicts.

**LAW 657 International Organizations and International Human Rights Institutions**

Fall. 3 credits. Pass/Fail option unavailable. M. B. Ndulo.

The course provides a comprehensive legal analysis of problems concerning membership, the structure of the United Nations organs and a variety of other international organizations. It considers their functions and acts taking into account the United Nations Charter and texts establishing these organizations. 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 and the International Criminal Court. It also examines 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 and the Inter-American Court of Human Rights. Relevant decisions of these courts and of municipal courts are studied as well as basic documents.

**LAW 658 International Tax Planning**

Fall. 3 credits. Prerequisite: Federal Income Taxation. Pass/Fail option available. W. C. Gifford.

The international aspects of United States income taxation in the context of business planning and counseling situations. The course is based on a series of problems involving common business transactions by United States multinational corporations, such as exporting, manufacturing and marketing abroad, and repatriation of foreign earnings to the United States.

**LAW 660 Labor Law**

Spring. 3 credits. Pass/Fail option available. K. V. W. Stone.

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

**LAW 661 Land-Use Planning**

Fall. 3 credits. Pass/Fail option unavailable. E. F. Roberts.

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

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

Fall. 2 credits. Availability of Pass/Fail option to be announced first day of class. M. 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 will be illustrated by case studies drawn from Eastern Europe, Asia, Latin America and Africa. Social change topics will range from women's rights, gender and the family, to democracy-building and environmental protection. Course requirements are two short "think pieces" (2-3 pages), a midterm, and a final analytical paper of 10-15 pages on a student-selected topic.

**LAW 663 Law for High Growth Companies**

Spring. 3 credits. Pass/Fail option available. Z. Shulman.

An in-depth analysis of key issues that an emerging high growth business must consider and address, including: (i) choosing type of business entity, (ii) protecting confidential information and inventions, (iii) sources of capital (in both bull and bear market environments), (iv) understanding capitalization structures (common stock, preferred stock, warrants, etc.), (v) use of stock options as employee incentives, (vi) fundamental fair employment practices, (vii) proper establishment and utilization of Boards of Directors and Advisory Boards, (viii) technology licensing and commercialization, (ix) negotiating relationships with distributors, resellers and customers, (x) international business practices, (xi) dealing with creditors, and (xii) key accounting issues that affect early business decisions. Course materials compiled.

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

Spring. 2 credits. Pass/Fail 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 664 The Law Governing Lawyers**

Spring. 3 credits. Satisfies the professional requirement. Pass/Fail option unavailable. W. B. Wendel.

This course is intended to provide a comprehensive overview of the law governing lawyers in a variety of practice settings, including transactional, counseling, and civil and criminal litigation. 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 667 Lawyers and Clients**

Fall. 3 credits. Satisfies the professional responsibility requirement. Pass/Fail option unavailable. D. A. Kysar.

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

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

Spring. 3 credits. Pass/Fail 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; transfer of technology; arbitration; investment insurance; unification of trade law; and the settlement of investment disputes.

**[LAW Legislation]**

3 credits. Not offered 2002–2003.

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 671 Media Law**

Fall. 2 credits. Pass/Fail option available. R. Ku.

This course examines various aspects of media law. It begins by considering the scope of First Amendment protection of the media. It then focuses on legal issues arising from newsgathering and moves on to issues arising from publication, such as defamation, publication-related privacy torts, and right of publicity. The course briefly examines basic copyright concepts in order to lay the groundwork for close study of disputes over electronic publishing rights to collective works. Various recent landmark developments in the case law will be highlighted.

**LAW 672 Mergers and Acquisitions**

Fall. 2 credits. Prerequisite: Corporations or permission of the instructor. Pass/Fail option available. 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 Mediation: Alternative Dispute Resolution and Non-Traditional Approaches to Conflict**

Spring. 2 credits. Limited enrollment. Pass/Fail option available. J. Meyer.

This course will inquire into the theories and practice of conflict resolution and will focus on non-traditional, cutting-edge alternatives to the traditional litigation process. The course will introduce students to the spectrum of ADR processes and will teach interviewing and counseling, negotiation and mediation as skill sets. A variety of approaches will be used to analyze issues and develop skill sets, including lecture/discussion, video tapes, negotiation exercises and simulated mediations.

**LAW 675 Partnership Taxation**

Spring. 2 credits. Pass/Fail 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 Problems in Commercial Law: Sales, Leases, and Electronic Commerce]**

3 credits. Not offered 2002–2003.

This course will explore contemporary issues in Commercial Law with particular emphasis on sales, leases and electronic transactions. Because of the recent changes in the commercial world around the UCC such as electronic contracts, this course will selectively integrate materials on the Uniform Electronic Transactions Act (UETA), the Uniform Computer Information Transactions Act (UCITA) and the United Nations Convention on Contracts for the International Sale of Goods (CISG).]

**LAW 678 Products Liability**

Spring. 3 credits. Pass/Fail 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 680 Public International Law**

Spring. 3 credits. Pass/Fail option available. D. Wippman.

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

**LAW 681 Securities Regulation**

Spring. 3 credits. Availability of Pass/Fail option to be announced first day of class. J. F. Olson.

Capital formation is critical to the economic health of the U.S. and other nations. American capital markets have historically been the strongest in the world, but they have been under significant stress recently as a result of market declines and corporate failures. This course examines the U. S. federal regulatory scheme for capital formation through the sale of equity and debt securities, focusing on the Securities Act of 1933. The course also focuses on financial and other disclosure requirements, and regulation of "insider trading", under the Securities Exchange Act of 1934. Federal regulation of securities markets and broker-dealers, and regulation of accountants and lawyers who practice before the SEC, are also discussed. Federal regulatory requirements are explored in the context of the practical realities of structuring capital formation transactions, and advising public companies and other market participants in the post-Enron environment. Caselaw and regulatory developments will be considered through the use of hypothetical real-world fact situations.

**LAW 682 Sex Discrimination and the Law**

Spring. 3 credits. Pass/Fail option available. R. L. Lieberwitz.

This course examines various legal issues relevant to discrimination on the basis of sex. Among the problems analyzed are: sexual harassment; pornography; reproductive rights; prostitution; work-family conflict; inequality in employment opportunities; gay and lesbian rights; welfare rights; and affirmative action.

**LAW 683 Social Security Law**

Spring. 3 credits. Pass/Fail 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.

**LAW 684 Sports Law**

Spring. 2 credits. Recommended prerequisites: Antitrust Law and Labor Law. Pass/Fail option available. W. B. Briggs.

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

**LAW 686 Supervised Teaching**

Fall or spring. 1 or 2 credits. Arrange directly with instructor. Must be taken Pass/Fail.

See page 18 of the Law School Catalog and the Law School registrar.

**LAW 687 Supervised Writing**

Fall or spring. 1, 2, or 3 credits. Arrange directly with instructor. Must be taken Pass/Fail.

See page 18 of the Law School Catalog and the Law School registrar.

**LAW 688 Supervised Teaching and Supervised Writing—Legal Methods Honors Fellows Program**

Fall and spring. 4 credits for full year.

Prerequisite: Application Process. Must be taken Pass/Fail.

Legal Methods Honors Fellows serve for the full year as teaching assistants in the Legal Methods course and as mentors to first-year law students. With training and guidance from the Legal Methods faculty, the Honors Fellows work closely and one-on-one with the students on the 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 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 Fellows may tutor first-year law students.

#### **LAW 689 Taxation of Corporations and Shareholders**

Fall. 3 credits. Prerequisite: Federal Income Taxation. Pass/Fail option available.  
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. Pre/Co-Requirement: Evidence. Limited enrollment. Pass/Fail option available. 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. Pass/Fail 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.

### **PROBLEM COURSES AND SEMINARS**

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

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

Spring. 3 credits. Prerequisite: Legal Methods. Pass/Fail option unavailable.  
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 African Americans and the Supreme Court**

3 credits. Not offered 2002-2003.

Beginning with its first decisions related to the slavery question, the Supreme Court has at times aided and at other times hindered efforts to afford African Americans full citizenship. This seminar explores the relationship between blacks and the Supreme Court by examining the major Court decisions affecting African Americans and attempting to understand those decisions in their historical contexts. The seminar 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 707 American Legal Theory**

Fall. 3 credits. Pass/Fail option unavailable.  
R. S. Summers.

The fall 2002 topic for this seminar is the appropriate 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 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, appropriate 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 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 Appellate Advocacy**

Fall. 3 credits. Pass/Fail option unavailable.  
J. B. Atlas.

This seminar will examine the law and skills that are integral to representing a client on appeal. The seminar will be 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 will read and analyze the record of a criminal proceeding, assess and research potential appellate issues, and prepare a brief (including a re-write) for either the prosecution or defense. Each student will also orally argue the case in a moot-court session.

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

Spring. 3 credits. Pass/Fail option available. 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 The Common Law and the African Legal Systems**

Fall. 3 credits. Pass/Fail option unavailable.  
M. B. Ndulo.

The seminar studies legal systems in postcolonial Africa. It concentrates on the former British colonies. During the colonial period, the common law was imported into British Africa. As a result, these countries are

now common law jurisdictions. The description is supported by the history of the countries as well as by current statutory guidelines. African countries, however, also retained African customary law as part of the legal system. The two systems of law operated alongside one another and interacted at various points. During the colonial period, the common law was considered superior to African customary law and became the dominant system of law. In today's Africa, the two systems continue to operate side by side in very much the same way as they did in colonial times. Conflicts between them have generated considerable interest among legal scholars. The seminar considers the following issues: the introduction of the common law in Africa; the nature of the customary judicial process; the nature of the plural system; and areas of conflict between customary law and the common law in such areas as succession, land tenure, marriage laws, and gender. It also examines issues relating to constitutional law and governance. Contemporary Africa is engaged in efforts aimed at building democratic political systems that are responsive to the needs of African communities. In this regard, we examine such issues as constitutional arrangements in postindependence Africa, and conditionality, good governance, and development aid.

#### **[LAW Constitutional Law and Political Theory**

3 credits. Not offered 2002-2003.

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 Consumerism**

3 credits. Not offered 2002-2003.

Consumerism describes the belief that "the possession and use of an increasing number and variety of goods and services is the principal cultural aspiration and the surest perceived route to personal happiness, social status and national success." Individuals subscribing to this belief are said to emphasize acts of consumption as their primary mode of self-development, self-fulfillment, and self-expression. Societies subscribing to the consumerist belief are said to maximize opportunities for consumption by ensuring a vast supply of natural resources, by deploying public funds in a manner that enables and supports the production and distribution of consumer goods, and by allowing speech between producers and consumers (and about producers and consumers) to assume high significance in social affairs.

This seminar is designed to (a) examine evidence for the existence of consumerism as a pervasive social phenomenon, (b) weigh arguments for and against consumerism as a welfare-enhancing or welfare-decreasing social phenomenon, (c) unravel the role of current law in supporting or suppressing consumerism, and (d) speculate on possible alternative legal approaches to regulating the sources and impacts of consumerism. We will accomplish these aims through careful, contextual examination of consumerism in various legal settings. Included will be discussions of products liability law, deceptive advertising regulation, food and drug law, anti-discrimination law, environmental law, and constitutional law. Background readings

on economic, psychological, critical and other theoretical approaches to consumerism will be interspersed within these units.]

#### **LAW 716 Corruption Control**

Spring. 3 credits. Pass/Fail option available. R. C. Goldstock.

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

#### **[LAW Empirical Studies of Leading Civil Rights Issues**

3 credits. Not offered 2002–2003.

This seminar will focus on empirical studies of sex discrimination in employment cases and death penalty cases.]

#### **LAW 721 Ethical Issues in Civil Litigation**

Spring. 3 credits. Satisfies the professional responsibility requirement. Pass/Fail option unavailable. W. B. Wendel.

This seminar deals with the myriad disciplinary, procedural, and malpractice pitfalls that lawyers encounter in civil litigation. By the conclusion of the seminar, students will be acquainted with common law-of-lawyering issues including: 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 seminar is designed to expose students to problems typically faced by litigators in medium-sized to large law firms handling complex disputes, but is also applicable to lawyers working in small firms or government agencies who do a significant amount of civil litigation.

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

Spring. 3 credits. Satisfies the professional responsibility requirement. Pass/Fail option unavailable. C. Grumbach.

Using simulated problems, we will explore the ethical duties of and practical quandaries faced by prosecutors and criminal defense attorneys. As some examples, we will 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, and the 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 will examine these topics in the context of hypothetical and famous trials that involve coaching, "playing the race card," and blaming the victim, or arrests based upon racial profiling or planted evidence. The writing assignments will be in the form of persuasive trial memoranda prepared on behalf of or to prosecute simulated clients. Sample issues might involve attorneys who face such quandaries 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 will hold mock hearings based upon these simulated cases.

#### **LAW 725 European Union Law**

Fall. 3 credits. Availability of Pass/Fail option to be announced first day of class. J. J. Barceló III.

The seminar studies 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); the fundamental rights doctrine; protection of the environment; and EU antitrust law.

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

Spring. 3 credits. Availability of Pass/Fail option to be announced first day of class. S. Shiffrin.

An examination of competing theories regarding the justification and scope of freedom of speech, freedom of press, and freedom of religion.

#### **LAW 730 Grand Jury Investigations**

Fall. 3 credits. Availability of Pass/Fail option to be announced first day of class. N. Kuckes.

This seminar will explore the special legal and practical issues related to grand jury investigations, using a combination of readings, discussions, and practical exercises. It will cover such issues as the scope of the grand jury's power, effective advocacy in a grand jury investigation, privilege issues, joint defense agreements, voluntary disclosures, parallel civil and criminal proceedings, and pre-indictment plea negotiations.

#### **LAW 731 Immigration and Refugee Law**

Fall. 3 credits. Prerequisite: Constitutional Law. Pass/Fail option unavailable. 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 Insurance Law.**

Fall. 3 credits. Pass/Fail option available. J. A. Henderson, Jr.

This seminar provides an overview of basic insurance law, including both general theory and practical considerations. Seminar meetings will discuss readings from Kenneth S. Abraham, *INSURANCE LAW AND REGULATION* (3rd ed. 2000). Performance on a series of focused written assignments, together with class participation, will determine the final grade.

#### **[LAW International Criminal Law**

3 credits. Recommended prerequisite: Public International Law or International Human Rights. Not offered 2002–2003.

This seminar examines the evolution of modern international criminal law, from Nuremberg to the new International Criminal Court. Topics include the nature and sources of international criminal law, jurisdiction, individual and state responsibility, penalties and deterrence, and alternatives to criminal trials, such as truth commissions and

amnesties. The seminar emphasizes recent developments, such as the Pinochet extradition proceedings and efforts to try senior Khmer Rouge leaders.]

#### **LAW 733 International Law, Human Rights, and Terrorism**

Fall. 3 credits. Availability of Pass/Fail option to be announced first day of class. G. Gutierrez.

This seminar examines the historical and contemporary emergence of international legal principles governing issues related to terrorism. Topics include efforts by the United Nations and regional associations to develop a universal legal definition of terrorism; the relationship between terrorism and national liberation; the role of international human rights norms in addressing terrorism; and the effectiveness of international treaties prohibiting acts of terrorism. Throughout the seminar, we will examine the substantive legal rules and theoretical roots of two predominant perspectives concerning the use of international law as an instrument to combat terrorism: a criminal law model in which terrorists are subject to domestic and international criminal prosecution versus a national security model in which terrorist attacks may justify state use of armed force. It would be helpful if students have previously taken either Public International Law, International Human Rights, or International Organizations and International Human Rights Institutions, but they are not required to have done so.

#### **LAW 734 Introduction to French Law**

Spring. 3 credits. Not available to students with significant knowledge of civil law system. Pass/Fail option unavailable. 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 735 Introduction to Islamic Law**

Fall. 3 credits. Pass/Fail option available. D. S. Powers.

This seminar is designed to introduce law students to the terminology, principles, and concepts of Islamic law. In Part One, we will examine the historical formation of Islamic law and the development of its principles of jurisprudence. In Part Two, we will analyze court cases that took place in Morocco and Spain in the period between 1300 and 1500, with special attention to judicial procedure, personal status law, property law, and penal law. In Part Three, we will 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 will be based largely on primary sources in English translation.

#### **[LAW Juvenile Advocacy**

3 credits. Pass/Fail option available. Not offered 2002–2003.

In the context of the simulated law office of MYRON TAYLOR JUVENILE RIGHTS AND DEFENDERS INC. (JRAD), students represent juveniles charged as juvenile delinquents or persons in need of supervision. Class meetings are run as weekly law office training sessions



with the students functioning as junior attorneys. Students give oral presentations to their JRAD colleagues on issues of interest to them that arise from the clients' cases. Such issues may include: the preventive detention of juveniles, the application of criminal rights and defenses to delinquency proceedings, police questioning of suspected runaways, the role of the law guardian in representing juveniles, and the rights of children charged with incorrigibility to assert constitutional rights such as freedom of association and the free exercise of religion, over their parents' objection. Using simulated case files for the JRAD clients, students choose clients to represent and file various trial motions and legal memoranda before a designated judge. In this manner, students hone their persuasive writing skills and practice writing for a specific audience, learn to evaluate pleadings, and learn how to develop litigation theories and strategies and formulate a litigation plan.]

#### **[LAW Law and Economics]**

3 credits. No prior acquaintance with economics is assumed. Not offered 2002-2003.

The seminar examines the ways in which the law has incorporated, wittingly or unwittingly, an economic perspective. A major theme is the art of economic modeling and the merits and demerits of simplifying assumptions to understand law. A second theme is the Coase Theorem and its application to legal rules. The seminar focuses on the major common law rules in contracts, torts, property, and procedure. The issues surrounding fairness versus efficiency are also stressed.]

#### **LAW 740 Labor and Social Policy**

Spring. 3 credits. Prerequisite: prior or concurrent course in labor law or permission of the instructor. Pass/Fail option unavailable. K. V. W. Stone.

This seminar will focus of three areas of current controversy in labor and employment law. The first topic is the use of alternative dispute resolution to resolve workplace disputes in the wake of the Supreme Court decisions in *Gilmer v. Johnson Lane/Interstate* and *Adams v. Circuit Cities*. The use of alternative dispute resolution in the workplace, particularly the use of arbitration, for the enforcement of substantive employment rights has been rapidly expanding in the nonunion sector, giving rise to many issues such as how to ensure due process in system design, how to protect consent in the agreement to arbitrate, should there be judicial review of arbitral decisions for implementation of statutory rights, and what should be the scope of arbitral remedies. The second topic is the changing nature of the employment relationship and its implications for labor and employment law. In the past decade, there has been a marked increase in the use of flexible work practices and a corresponding abandonment of internal labor market job structures of the past. Because many features of current labor and employment law are built upon the assumption of stable workforces with long-term attachment between the worker and the firm, it is necessary to revisit many aspects of the regulatory framework. The third topic is the problems posed for labor regulation by the globalization of production. This section will study the prospects for transnational labor regulation and the barriers to achieving a mechanism for preserving domestic labor standards and promoting international labor standards.

The seminar will meet weekly, with readings to be assigned. Students will be required to write brief response pieces to four of the weekly readings, and to prepare a research paper on a topic to be selected in consultation with the instructor.

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

Spring. 3 credits. Prerequisite: Constitutional Law or Administrative Law. Pass/Fail option unavailable. 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 742 Law and Human Behavior**

Spring. 3 credits. Availability of Pass/Fail option to be announced first day of class. J. A. Siliciano.

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

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

Fall. 3 credits. Pass/Fail option available. H. R. Beresford.

The seminar explores issues at the interface of law and psychiatry. After a general introduction to clinical and scientific aspects of mental illness, the seminar addresses issues of criminal responsibility, competency and behavioral control. The focus will be on how the legal system integrates or takes into account advances in clinical and scientific understanding of mental illness. Students write and present seminar papers on self-selected topics.

#### **LAW 745 Law Through Literature**

Spring. 3 credits. Pass/Fail option unavailable. N. L. Cook.

In this seminar, students use literature, supplemented by law texts, as a basis for understanding operations of law and the impact of legal process on people's lives. An explicit goal of the seminar is the acquisition of literary skills that can be cross-utilized in law practice. Students thus not only analyze legal principles in the context of stories, but also learn how to apply such literary concepts as metaphor, imagery, plot and character development, perspective, and point of view in their legal work.

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

Spring. 3 credits. Pass/Fail option unavailable. 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; representa-

tions 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 and synthetic leases).

#### **[LAW Litigation Skills and the Protection of Civil Rights in Housing]**

3 credits. Not offered 2002-2003.

Students perform practical, pre-trial litigation skills while exploring federal fair housing laws, history and policies. The seminar includes litigation exercises, legal writing, reading materials and class discussion. The litigation exercises and legal writing emphasize those skills necessary to investigate, evaluate, manage and resolve a case up to the point of trial.]

#### **LAW 758 Medical Research, Law and Policy**

Spring. 3 credits. Availability of Pass/Fail option to be announced first day of class. L. Palmer.

Lawyers are increasingly being asked by clients to defend or initiate lawsuits involving medical research or to advise clients how proposed regulation or legislation would affect the way they conduct medical research. Representatives of patients who died during clinical trials have recently sued leading academic medical centers over the manner in which the medical research was conducted. In some of these lawsuits, the plaintiffs alleged that the consent was defective because the investigator, and sometimes the university, had financial interests in the small start-up companies producing the experimental treatments. In other recent lawsuits, the members of Institutional Review Boards, charged with supervising the obtaining of consent from subjects under federal regulations, have been sued for putting children at risk to harm, even though their parents had consented to the experiments. Policymakers daily make pronouncements and propose legislation on issues ranging from the use of medical records in research to the circumstances under which human stem cell research can be conducted in the United States. The Federal Drug Administration recently announced new regulations on the reporting of adverse events during clinical trials of new drugs and gene therapy. In other countries, scientists who cloned the first mammal are seeking licenses to conduct human stem cell research using human embryos as the source of the stem cells and legislatures have enacted laws to prohibit "human cloning." The regime for regulating and facilitating medical research is undergoing rapid change. This seminar will examine these emerging issues. Students will be asked to prepare a research paper on some aspects of medical research, law and policy.

#### **[LAW Modern Legal Thought]**

3 credits. Not offered 2002-2003.

This seminar is intended as a general introduction to modern legal theory. It begins with an examination of several different schools of legal thought (positivism, natural law, legal realism, and critical legal studies), focusing on the differing and often competing answers those schools give to a series of

questions that have defined the traditional domain of jurisprudence. It next examines several different schools of political thought (libertarianism, liberalism, communitarianism, feminism, and critical race theory), together with their principal claims and commitments. It will also examine how, if at all, the idea of each of these schools is reflected in the law, or alternatively, how those ideas might be used and relied upon to reshape the law. The seminar is intended for those students interested in a broad and even-handed overview and analysis of the most prominent contemporary schools of legal and political thought. Abstract ideas and arguments will, whenever possible, be examined in the context of particular cases and controversies, real or imagined.]

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

Fall. 3 credits. Pass/Fail option available. R. C. Goldstock.

This seminar will explore the challenges organized crime poses to society and to traditional law enforcement techniques. Students will 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 will be explored in detail as well as a variety of non-criminal remedies including forfeiture and court-imposed trusteeships.

#### **LAW 765 Pretrial Practice, Litigation Strategies, and Remedies in Commercial Litigation**

Spring. 3 credits. Prerequisite: Contracts or Contracts in a Global Society. Pass/Fail option available. Y. G. Harmon.

This seminar studies the strategies of complex commercial litigation, focusing on case development in the pretrial period. It will address pretrial discovery (strategies and approaches) and remedies (e.g., preliminary injunctions, receiverships) in the context of difficult and unclear legal issues. Damages theories and development will also be explored, as well as the use of litigation to achieve business goals. Hardball litigation techniques as well as ethical considerations will be considered. Actual litigated cases will be dissected. Since 90% of commercial cases settle before trial, this seminar will be a real life presentation of the commercial litigation process.

#### **[LAW Problems in Advanced Torts**

3 credits. Not offered 2002–2003.

Students will 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 will be similar in length and scope to a student note in a law review. Required written submissions include topic proposals, outlines, bibliographies, first drafts and final drafts. Early meetings will be 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 will give each student an opportunity to present his/her work product to the group.]

#### **LAW 770 Risk Regulation**

Spring. 3 credits. Pass/Fail option available. D. A. Kysar.

This seminar concerns the science, law, and policy of society's efforts to assess and manage risks of harm to human life. In

addition to the common law of tort, numerous state and federal agencies address, directly or indirectly, risks of death or bodily injury from such sources as food, drugs, automobiles, and environmental contaminants. This seminar will examine the philosophical and practical implications of such efforts to regulate risk. Topics will include: the nature of risk and how it is assessed by both experts and the public; approaches to risk management; the valuation of risks of harm to human life; and the normative treatment of risks of temporally distant harm.

#### **LAW 772 Separation of Powers**

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

Students without such background should consult with the instructor. Pass/Fail option unavailable. C. R. Farina.

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

#### **LAW 773 Sexuality, Gender, and Law**

Fall. 3 credits. Pass/Fail option available. B. J. Holden-Smith, M. A. Fineman.

In the last decade the field of sexuality, gender, and the law has experienced a tremendous increase in scholarly attention. This attention is richly deserved, as the area has become increasingly important. Every year courts and legislatures address these issues in numerous cases and legislative initiatives in the areas of family law, criminal law, and civil rights law. This seminar seeks to explore this developing field of law by focusing primarily upon the social meaning of "sexuality" and how the law helps to construct that meaning.

#### **LAW 774 Social and Cognitive Psychology for Lawyers**

Spring. 3 credits. Pass/Fail option unavailable. 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 seminar explores 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 seminar 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 775 Street Law**

Fall. 3 credits. Pass/Fail option unavailable. W. F. Taylor.

This seminar allows law students to lead weekly discussions at the Auburn Correctional Facility on contemporary legal topics. Although all students enrolled in the seminar are expected to attend the weekly meeting,

two students will be responsible for presenting a legal or policy issue at each meeting and then opening up the floor to questions and comments from the prisoners in attendance. It is anticipated that 10–20 prisoners will participate weekly.

The objective of this seminar is to facilitate the exchange of ideas and the discussion of current legal issues among law students and members of the Auburn prison population. It gives our students an additional opportunity to take law and legal education beyond the traditional classroom setting. The following list is a sampling of topics that hopefully will spark the kind of spirited intellectual debate this seminar envisions: Reparations for African Americans; Legal and Policy Issues; Racial Profiling; Family Law and the Rights of Fathers; Term Limits on Elected Officials; Pornography as Discrimination Against Women; The Relevance of Race, Ethnicity, and Sex to Judicial Appointments; Therapeutic Jurisprudence and Shaming Penalties; and Fourth Amendment and Other Limits on Policing Schools for Drugs and Guns.

#### **LAW 776 Topics in Criminal Law**

Fall. 3 credits. Prerequisite: Criminal Law. Pass/Fail option available. S. P. Garvey.

This seminar will examine the principal issues and controversies dealing with the general rules of liability that structure the substantive criminal law; for example, the justification for punishment, the significance of resulting harm in the determination of liability and punishment, the nature of mens rea, and the theory of excuse (including insanity) and justification. We will proceed through an in-depth examination of Michael Moore's *Placing Blame: A Theory of Criminal Law* (1997).

#### **LAW 777 Theories of Law, Theories of Film**

Fall. 3 credits. Pass/Fail option unavailable. C. D. Bond.

This seminar examines cultural representations of the American legal system and lawyers. As part of the course materials, students will view several canonical, mostly American, films that deal with the law. Students will learn the language of film form and theory, which they will use to discuss how particular films construct narratives about the legal system. Topics of inquiry will include parallels between law and film as narrative systems, the role of interpretation in constituting legal and cultural meaning, and the manner in which cultural representations of law reflect cultural values, fantasies and myths, with particular attention given to narratives of race and gender. Students will read film theory and criticism and legal theory in an attempt to correlate theories of narrative across both disciplines.

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

Fall. 3 credits. Prerequisite: Property. Pass/Fail option unavailable. 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 commonses, commodification, and women and property, as well as the classical justifications for private property (libertarian, utilitarian, etc.).

#### **[LAW Topics in Feminist Legal Theory**

3 credits. Not offered 2002–2003.

Over the course of the semester this seminar will examine the work of 5 or 6 feminist legal

theorists who will also be guest lecturers in the class. The feminist scholars chosen will be experts on a variety of legal topics including sexuality, reproduction, family and work. The objective is to introduce students to feminist thinking and critique in these specific areas, as well as generally. In addition, the seminar is designed to give students an understanding of the processes whereby scholarly (and policy) ideas and concepts are developed by an individual through much revision, reflection and struggle. Two or three pieces of writings by each scholar reflecting different stages in her/his thinking on a topic over time will be distributed and discussed in the session preceding her/his visit to the class. The following week the scholar will speak to the students about the readings and her/his experience or process in developing and working through the issues. The scholar will also respond to questions and comments about her/his current thinking and the direction of future work in her/his area(s) of expertise. Questions and comments will be generated and distributed in advance of the scholar's appearance in the class by the students in the form of "reflection papers." A research paper on one of the topics discussed will be required at the end of the semester.]

## CLINICAL COURSES AND EXTERNSHIPS

All clinical courses and externships have limited enrollment.

### LAW 780 Asylum and Convention Against Torture Appellate Clinic

Spring. 4 credits. Pass/Fail option available. E. M. McKee, S. W. Yale-Loehr. Students will 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 will have represented themselves pro se in Immigration Court. During the first part of the semester students will 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 will work in teams of two on appellate briefs. These briefs will not only entail serious legal analysis, but may also require socio-cultural and political research, so that the students can effectively write about the conditions of the client's home country. Students will communicate with clients during this time, although some clients may be incarcerated, and many will be out-of-state. The students' cases will provide a basis for more in-depth substantive learning, as well as practical skills and attorney-client issues. In class, each team will also discuss 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. Prerequisite: permission of instructor; Criminal Procedure or criminal law experience preferred. Pass/Fail option available. J. H. Blume, S. L. Johnson.

Death penalty post-conviction litigation: investigation and the preparation of petitions, memorandums, 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

Spring. 4 credits. Prerequisite: permission of instructor; Criminal Procedure or criminal law experience preferred. Pass/Fail option available. J. H. Blume, S. L. Johnson.

The issues that are unique to a capital trial, with a focus on a specific capital trial and the issues it presents.

### LAW 783 Full-Term Externship

Fall. 12 credits. Must be taken Pass/Fail. G.G. Galbreath, J. M. Miner.

Occasionally students find that their educational and career goals would be best achieved by spending one semester working at a placement outside the law school. The Full-Term Externship course allows students to earn 12 credit hours as externs working full time at an approved placement site off campus during the fall semester of their third year.

Written application for the Full-Term Externship course must be submitted to the instructors by March 27 of the preceding spring semester. The application should include, 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, will review the applications and, by April 15, decide 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 will prepare weekly journal entries for the instructor serving as his or her faculty supervisor, provide the instructor with samples of his or her written work product, engage in regular electronic communication with the instructor (and, if required by the instructor, with other students in the course), host the instructor for a site visit, do a written evaluation of the placement and the placement experience for the law school's files, and, in the semester following the externship, to do a presentation about the placement for the law school community.

### LAW 784 Government Benefits Clinic

Spring. 6 credits. Pass/Fail option available. B. Strom.

Course has two classroom components: Government Benefits Clinic class and Clinical Skills 1 or Clinical Skills 3. 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 live client 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. Dept. of Labor and the Social Security Administration. The course also includes Clinical Skills 1 or Clinical Skills 3. Clinical Skills 1 class will address 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 and addresses such topics as alternative dispute resolution, formal discovery and motion argument.

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

Spring. 6 credits. (Pass/Fail option available.) B. Strom.

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

### LAW 786 Judicial Externship

Fall or spring. 4 credits. Pass/Fail option available. G. G. Galbreath.

Students work with a trial court judge. Work involves courtroom observation, conferences with the judge, research and writing memoranda, and drafting decisions. The emphasis is on learning about judges, judicial decision-making process, and trials. 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, weekly journal entries, provide written work samples, and meet individually with the faculty member.

### LAW 790 Law Guardian Externship

Fall or spring. 4 credits. Pass/Fail option available. J. M. Miner.

Students learn about the representation of children in abuse and neglect cases, juvenile delinquency proceedings, and PINS (Person 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 will be several meetings with the

instructor during the semester for discussion of issues arising from and related to the representation of children. Bi-weekly journals are also required.

**[LAW Legislative Externship]**

3 credits. Not offered 2002–2003.

Students work with the local New York State Member of Assembly. Work involves drafting legislation, tracking legislation for constituents, legal research and writing, and responding to constituent requests that particularly require legal research 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 792 Neighborhood Legal Services Externship**

Fall or spring. 4 credits. Pass/Fail option available. B. Strom.

Classroom component is provided by Clinical Skills 1, 2 (fall) or 3 (spring), depending on whether the student has previously been enrolled in a course in which Clinical Skills 1 was a component. Cases involve the representation of clients of a legal services office, the Ithaca office of Neighborhood Legal Services (NLS). Along with case handling, this externship includes a classroom component, provided by Clinical Skills 1, 2 or 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 will meet periodically with the faculty supervisor for review of the placement experience.

**LAW 792 Prisoners Legal Services Externship**

Fall or spring. 4 credits. B. Strom.

The student's work involves the representation of clients of Prisoners Legal Services (PLS), which is a not-for-profit public interest law office providing civil legal services to incarcerated felons in New York state. Student work involves the full range of lawyering activities including reviewing and responding to initial correspondence, interviewing clients in prisons and investigating their claims, reviewing tapes of disciplinary hearings, conducting legal research, drafting pleadings and discovery requests, participating in case planning and discovery, working with experts, writing briefs, and making court appearances. Students keep journals of their activities. There are externship related readings and several class meetings with the faculty supervisor to discuss the extern's experiences and topics related to the externship.

**LAW 793 Public Interest Clinic 1**

Fall or spring. 4 credits. (Pass/Fail option available.) C. Cimini, G. G. Galbreath, J. M. Miner, 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. Classroom component is provided by the

Clinical Skills 1 class, in which students will 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 794 Public Interest Clinic 2**

Fall. 4 credits. Prerequisite: Public Interest Clinic 1 or a clinic course that included the Clinical Skills 1 classroom component.

Pass/Fail option available. C. Cimini, J. M. Miner, G. G. Galbreath, 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 795 Public Interest Clinic 3**

Spring. 4 credits. Prerequisite: Public Interest Clinic 1 or a clinic course that included the Clinical Skills 1 classroom component. Pass/Fail option available.

C. Cimini, G. G. Galbreath, J. M. Miner, 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 Wrongful Convictions and Sentences Clinic]**

4 credits. Permission of the instructors required. Preference will be given to students who have taken the Capital Trial Clinic, the Capital Punishment: Post-Conviction Litigation Clinic, Criminal Procedure, the Wrongful Convictions Seminar, the Death Penalty in America, or had some experience (either prosecution or defense) with criminal practice. Pass/Fail option available. Not offered 2002–2003.

Clinic students will work on one or more cases involving factual innocence or an unjust sentence. This class will work on two cases. The first case is the capital murder trial of Sterling Spann, which is set for January, 2002. This is a factual innocence case. Spann spent 17 years on death row, after which he received a new trial because of evidence that the murder was one of three serial killings, all committed by the man who was convicted of the last homicide. The second case will be a post-conviction case with an urgent filing deadline.]

**LAW 797 Women and the Law Clinic**

Spring. 6 credits. Pass/Fail option available. J. M. Miner.

Course has two classroom components: Women and the Law Clinic class and Clinical Skills 1 or Clinical Skills 3 class. Students will represent women clients who have legal matters primarily in the family law area

(divorce, custody, support, domestic violence). The Women and the Law Clinic 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. Students will also participate in the lawyering skills classroom component, Clinical Skills 1 or Clinical Skills 3. Clinical Skills 1 will address 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.

**LAW 798 Youth Law Clinic**

Fall. 6 credits. Pass/Fail option unavailable. N. L. Cook.

Students work with groups of youth and service providers in a multifaceted approach to identifying and resolving problems of a legal nature. Under the supervision of faculty and community experts, clinic students both handle individual representation cases and participate in non-litigation project work such as community education, legislative advocacy, and mediation training. Strong emphasis is placed on planning, communication, policy development and non-adversarial problem solving. In addition, students are taught interviewing, counseling, fact development, and advocacy skills through the use of readings, videotapes, discussions, demonstrations, and simulation exercises.

## NONPROFESSIONAL COURSES— NOT OPEN TO LAW STUDENTS

**GOVT 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.

**B&SOC 406/STS 406 Biotechnology and Law**

Spring. 4 credits. Undergraduates only. L. I. Palmer.

Biotechnology, with myriad applications in areas such as medicine and agriculture, is creating many challenges for basic social institutions. This course explores the use and potential abuse of biotechnology in areas such as genetic screening and counseling, reproductive technologies, intentional release of genetically engineered organisms, patents, and ownership of human tissue. Particular attention will be given to evolving legal and management strategies for regulating the applications of biotechnology. Readings are from science, medicine, law, and public policy. Several short written assignments as well as a research paper are required.



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

4 credits. Non-law students only. Not offered 2002-2003.

This course, offered during fall term 2001, provides an introduction to copyright law and closely related legal regimes for non-law students. The bulk of the instruction and discussion will be on-line.

Copyright law has become increasingly important as the U.S. 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

Abrams, Kathryn A., J.D., Yale U. Prof. of Law and Assoc. Prof. of Ethics and Public Life in the College of Arts and Sciences  
Aldave, Barbara, Bader, J.D., U. of California, Berkeley. Visiting Prof.  
Alexander, Gregory S., J.D., Northwestern U. A. Robert Noll Prof.  
Barceló, John J. III, S.J.D., Harvard U. William Nelson Cromwell Professor of International and Comparative Law  
Baumgartner, Samuel P., LL.M., U. of Wisconsin. Visiting Prof.  
Blume, John H., J.D., Yale U. Visiting Prof.  
Clermont, Kevin M., J.D., Harvard U.  
James and Mark Flanagan Professor of Law  
Clymer, Steven D., J.D., Cornell U. Assoc. Prof.  
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.  
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  
Gifford, William C., LL.B., Harvard U. 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. Visiting 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  
Holden-Smith, Barbara J., J.D., U. of Chicago. Prof.  
Johnson, Sheri L., J.D., Yale U. Prof.  
Ku, Raymond, J.D., New York U. Visiting Assoc. Prof.  
Kuckes, Niki, J.P., Yale U. Visiting Prof.  
Kysar, Douglas A., J.D., Harvard U. Asst. Prof.  
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  
Ndulo, Muna B., D. Phil., Trinity C. Prof.  
Olson, John F., LL.B., Harvard U. Visiting Prof.  
Palmer, Larry I., LL.B., Yale U. Prof.  
Rachlinski, Jeffrey J., Ph.D., Stanford U. Prof.  
Riles, Annelise, Ph.D., U. of Cambridge. Prof.  
Roberts, E. F., LL.B., Boston C. Prof. Emeritus  
Rossi, Faust F., J.D., Cornell U.  
Samuel S. Leibowitz Professor of Trial Techniques  
Ruskola, Teemu, J.D., Yale U. Asst. Visiting Prof.  
Schwab, Stewart J., Ph.D., U. of Michigan. Prof.  
Shiffrin, Steven H., J.D. Loyola U. of Los Angeles. Prof.  
Siliciano, John A., J.D., Columbia U. Prof.  
Simson, Gary J., J.D. Yale U. Prof.  
Stone, Katherine V. W., J.D., Harvard U. Prof. of Law and Anne Evans Estabrook Prof. of 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.  
Teitelbaum Lee E., LL.M., Northwestern U. Prof.  
Wendel, W. Bradley, J.D., U. of Connecticut. Visiting Lecturer  
Wippman, David, J.D., Yale U. Prof.

## Legal Aid Clinic

Cimini, Christine N., J.D., U. of Connecticut. Visiting Lecturer  
Cook, Nancy L., J.D., Georgetown U. Senior Lecturer and Director  
Galbreath, Glenn G., J.D., Case Western Reserve U. Senior Lecturer  
Miner, JoAnne M., J.D., U. of Connecticut. Senior Lecturer  
Strom, Barry, J.D., Cornell U. Senior Lecturer, Cornell Legal Aid Clinic

## Legal Methods Program

Anderson, Paige S., J.D. Cornell U. Lecturer  
Atlas, Joel, J.D., Boston U. Senior Lecturer  
Bond, Cynthia D., J.D., Cornell U. Lecturer  
Grumbach, Carol, J.D., Cornell U. Director of Legal Methods Prog. and Senior Lecturer  
McKee, Estelle M., J.D., Columbia U. Lecturer  
Mooney, Andrea J., J.D., Cornell U. Lecturer

## Academic Library Staff

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