

**Cornell Law School**  
**2009-10 Course Offerings and Descriptions**

**First-Year Courses**

**LAW 5001 Civil Procedure** Full year. 6 credits. Letter grade only.

K. M. Clermont, B. J. Holden-Smith, F. F. Rossi.

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

**LAW 5021 Constitutional Law** Fall. 4 credits. Letter grade only.

J. Chafetz, M. Dorf, S. L. Johnson, S. H. Shiffrin.

A study of basic American constitutional law, including structural aspects of the Constitution and certain of its rights provisions.

**LAW 5041 Contracts** Full year. 6 credits. Letter grade only.

R. A. Hillman, N. Oman, R. S. Summers. C. Thomas.

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 5061 Criminal Law** Spring. 4 credits. Letter grade only.

S. P. Garvey, J. Ohlin.

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 5081 Lawyering** Full year. 4 credits. Letter grade only.

J. Atlas, L. Freed, J. Mollenkamp, A. J. Mooney, U. H. Weigold, M. A. Whelan.

Lawyering is a full-year course designed to introduce first-year students to lawyering skills, with primary emphasis on legal writing, analysis, research, and oral presentations. Assignments are usually set in the context of a simulated law office (or judge's chambers). In the fall semester, students write predictive memoranda that point out the strengths and weaknesses of their client's case. To prepare the memoranda, students may need to determine the facts of the case by conducting interviews or depositions. Acting as junior attorneys, students will also make an oral presentation to a supervising attorney. The spring semester focuses on persuasive advocacy. Students prepare a memorandum, motion, or brief for submission to a court and, later, orally argue for their positions in a simulated court session. Throughout the year, students also learn the fundamentals of legal research. Instruction occurs not only in full-class sessions but also in individual conferences. Students receive extensive feedback on each major assignment.

**LAW 5121 Property** Spring. 4 credits. Letter grade only.

E. M. Penalver, L. S. Underkuffler.

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

**LAW 5151 Torts** Fall. 4 credits. Letter grade only.

V. Hans, M. Heise, J. A. Henderson Jr., W. B. Wendel.

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

**Graduate Courses**

**LAW 6071 Advanced Legal Research - U. S. Legal Research for LL.M. Students** Fall. 1 credit. Graduate program grading - H, S, U.

M. M. Morrison. Limited to graduate students. Limited enrollment. Course meets first 7 weeks of the term.

This course will introduce LL.M. students to basic legal research in U.S. materials that will be valuable to them in their course work at Cornell and in practice. The focus will be on understanding and finding primary legal sources,

including statutory codes, session laws, administrative regulations, and court decisions, as well as explanatory materials, such as law reviews and treatises. To a large extent, instruction will use online materials that are most likely to be available to the students in their future careers. There will be short introductory lectures, as well as hands-on laptop and Reading Room sessions. Students will complete five assigned exercises using the resources learned in class, and there is no final exam. The final grade will be based on the five assigned exercises (20% each).

**LAW 6221 Anglo-American Contract Law** Spring. 3 credits. Graduate program grading – H, S, U.

A. Anghie. 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 7991 Cornell Research Colloquium** Fall. 3 credits. J.S.D. and LL.M. program grading – H, S, U; J.D.

program - Letter grade only.

M. Lasser. Limited enrollment. Satisfies the writing requirement. This seminar course will be required for all first-year J.S.D. candidates. It will also be open first to LL.M. students and then to J.D. students to the extent that places are available. Visiting scholars and exchange students from foreign institutions are highly encouraged to attend in an unofficial capacity. This seminar is a course in advanced academic research methodology. The Colloquium is designed to prepare the students to engage in doctoral-level research, analysis and writing, especially in comparative and international contexts. How is the researcher to select an object or subject of investigation? How should she formulate research questions? How should she engage in the study of foreign and domestic legal institutions, doctrines and/or cultures? How is interdisciplinary work to be accomplished?

The early portions of the course will involve discussing readings in comparative research methodology, including functionalism, Common Core analysis, legal transplant theory, historicism, law and development, legal pluralism, cultural analysis, colonial studies, and comparative institutionalism. In the latter portions of the course, students will present and critique their methodologically reflective research projects. A modest number of external speakers will be invited to present their work in progress for the purposes of generating methodologically oriented discussion.

**LAW 6761 Principles of American Legal Writing** Fall, Spring. 3 credits. Graduate program grading – H, S, U.

L. Knight. Limited enrollment. Limited to graduate students.

This course provides foreign-trained lawyers with an introduction to the American legal system and essential principles of legal writing in the United States. Students are afforded an opportunity to practice some of the forms of writing common to American legal practice, by drafting documents such as memoranda, and briefs, in the context of representing hypothetical clients. Students are given the opportunity to conference individually with the instructor and to re-write assignments after receiving the instructor's comments.

**LAW 8991 Thesis** Fall, Spring. 5 credits. Graduate program grading - H, S, U; J.D./LL.M. program - Letter grade only. Limited to graduate students and students completing the joint J.D.-LL.M. program.

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

**LAW 9901 Graduate Research** Fall, Spring. Limited to J.S.D. students.

### Upperclass Courses

**LAW 6001 Accounting for Lawyers** Spring. 2 credits. S-U or letter grade.

R. A. Sarachan.

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 and is limited to students who have had no more than six credit hours of accounting (or its equivalent) or permission of instructor.

**LAW 6011 Administrative Law: The Law of the Regulatory State** Fall, Spring. 3 credits. Letter grade only.

J. J. Rachlinski [fall], C. R. Farina [spring]. Limited enrollment.

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

**LAW 6023 Advanced Civil Procedure** Spring. 2 credits. S-U or letter grade.

K. M. Clermont.

A complement to the first-year civil procedure course. Topics touched on in the first year are studied in greater depth: pretrial procedure, including pleadings, discovery, pretrial conferences, and summary judgment; trial procedure, with special emphasis on judge-jury problems; and, if time permits, appeals. The context of study is the federal procedural system.

**LAW 6081 Animal Law** Fall. 2 credits. S-U or letter grade.

D. Campbell.

This cutting-edge and constantly evolving field of law will explore the statutory and case law in which the legal, social, or biological nature of nonhuman animals is an important factor. The course encompasses companion animals, wildlife, and animals raised for food, entertainment, and research, and will survey traditional law topics like torts, contracts, criminal law, constitutional law and federal laws as they intersect with animals. Grade will be based on participation in open-minded discussions and a paper.

**LAW 6101 Antitrust Law** Fall. 3 credits. Letter grade only.

G. A. Hay.

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

**LAW 6121 Bankruptcy** Fall. 3 credits. Letter grade only.

T. Eisenberg.

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

**LAW 6131 Business Organizations** Fall, Spring. 4 credits. S-U or letter grade.

R. C. Hockett [fall], C. K. Whitehead [spring]. Limited enrollment.

An introduction to the legal rules and principles, as well as some of the economic factors, that underlay the conduct of productive enterprise in the United States. A principal focus will be upon the large, publicly traded corporation that dominates much of the U.S. business environment – in particular, its control and the potentially conflicting interests that the form must mediate. Legal topics to be covered basic fiduciary obligations, shareholder voting rights, shareholder suits, corporate control transactions, and insider trading. We shall also devote some attention to closely held corporations and other business forms.

**LAW 6150 The City and the World: The Legal Aspects of the Globalization of Cities** Fall. 1 credit. S-U or letter grade.

Y. Blank. The course meets during the first half of the semester between 9/15 and 9/30.

Local governments are increasingly becoming major actors in the emerging global legal order. The United Nations, the World Bank, the European Union, and other international and transnational institutions are beginning to view local governments as vehicles for the advancement of policies on a global scale. Local governments are transforming into objects for international regulation and are increasingly used as a means for disseminating and implementing global political programs, financial schemes, and governance strategies. The traditional legal focus on state actors is shifting on to local governments, giving them independent legal status in the new global order. Local governments are obtaining international duties, powers and rights: enforcing international standards; forming global networks involved in the creation of international standards; and becoming objects of international regulation. It has indeed become impossible to understand globalization and its legal ordering without considering the role of localities: they have become prime vehicles for the dissemination of global capital, goods, work force, and images. The course will investigate these developments through an examination of various legal documents and institutions

such as the EU, the UN and the World Bank and will focus on the transformations that local legal regimes concerning localities (i.e., local government law) are undergoing (or are expected to undergo) as a result thereof.

**LAW 6161 Comparative Law: The Civil Law Tradition** Fall. 3 credits. S-U or letter grade.

M. Lasser.

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

**LAW 6191 Conflict of Laws** Fall. 3 credits. S-U or letter grade.

B. J. Holden-Smith.

This course focuses primarily on the choice-of-law methods used by courts in the United States to decide the applicable law in cases that, in their parties or events, involve more than one state or country. The course examines in detail the nature, logic, and constitutionality of such methods. In addition, the course devotes substantial attention to recognition and enforcement of judgments and, in particular, to the obligation imposed by the Constitution’s Full Faith and Credit Clause to respect the judgments of other states’ courts.

**LAW 6201 Constitutional Law II: The First Amendment** Spring. 3 credits. S-U or letter grade.

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 will also be treated to some extent.

**LAW 6661 Constitutional Law of the European Union** Spring. 3 credits. S-U or letter grade.

M. Lasser.

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

**LAW 6263 Criminal Procedure – Adjudications** Fall. 1 or 3 credits. S-U or letter grade.

J. H. Blume. There are no prerequisites and students who have previously taken Criminal Procedure from Professor Blume are eligible to take this course for 1 credit due to some overlap in course content. Other than the first class, students who were enrolled in Criminal Procedure with Professor Blume during the fall of 2008, may -- but are not required -- to attend classes where material covered previously in Professor Blume’s Criminal Procedure course is discussed. Students who have not taken Professor Blume’s Criminal Procedure class will take the class for 3 credits.

This course will primarily focus on the adjudication phase of the criminal process including pretrial detention, guilty pleas, jury composition and selection, fair trial procedures, double jeopardy and collateral review. However, the first third of the class will address various topics relating to the right to counsel.

**LAW 6264 Criminal Procedure – Investigations** Fall. 3 credits. S-U or letter grade.

S. F. Colb.

Criminal Procedure: Investigations examines the constitutional law that governs police attempts to solve crime and bring perpetrators to justice. The course considers the role of the Fourth Amendment prohibition against unreasonable searches and seizures as well as the Fifth Amendment ban on compelled self-incrimination, in guiding police behavior and in structuring the trials that follow constitutional violations. Students will evaluate the wisdom and constitutional validity of the Fourth Amendment exclusionary rule, which prohibits the introduction of evidence obtained as a result of an unreasonable search, and the well-known *Miranda v. Arizona* decision as it has evolved over time.

**LAW 6732 Cross Cultural Negotiations** Fall. 2 credits. S-U only.

Prerequisite: LLMs and third-year students are more likely to benefit than second-year students in the fall term.

D. Plant. Limited enrollment. Course meets November 12, 13, 14, 19, 20, 21, 2009. Attendance is mandatory for all course sessions.

This Cross Cultural Negotiation workshop is designed to give law students an intensive opportunity to develop negotiation skills which can be used in the global market place to create and repair relationships and to manage conflict. Classes will consist primarily of inter-active negotiations and communication exercises, together with some lectures. Problems to be negotiated will have some rudimentary IP overtones.

**LAW 6301 Directed Reading** Fall, Spring. 1 or 2 credits. S-U only.

Arrange directly with instructor. Specific credit limits apply – carefully review the registration form available from online registration site or registrar’s office.

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

**LAW 6731 Dispute Resolution: Negotiation, Mediation and Arbitration** Fall. 2 credits. Letter grade only.

J. P. Meyer, S. G. Yusem. Limited enrollment.

During the past decade, the field of alternative dispute resolution has virtually transformed the practice of law.

Today, every lawyer has a professional responsibility to his or her clients to consider the most appropriate process available to resolve issues. The course will explore the characteristics of negotiation, mediation and arbitration as well as the ethical concerns inherent in them, employing interactive and videotape dispute simulations, enabling the student to engage as a negotiator, dispute resolution advocate, mediator and arbitrator.

**LAW 6311 Education Law** Spring. 3 credits. S-U or letter grade.

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 6361 Environmental Law** Spring. 3 credits. Letter grade only.

Recommended prerequisite: Administrative Law.

J. J. Rachlinski.

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.

**6392 Ethics and Corporate Culture [also NBA 5140]** Spring. 2 credits. Letter grade only.

D. Radcliffe, B. Wendel. Satisfies professional responsibility requirement. Offered second half of the spring semester. Limited enrollment.

In the high-pressure worlds of business and law, all too often good people do bad things. In many cases, the unethical behavior is due in part to a toxic corporate culture. The attitudes, values, and practices that prevail in their organizations induce otherwise ethical employees to take actions that violate widely shared norms of conduct. Such behavior can be costly—even disastrous—leading to ruined careers, tarnished corporate reputations, and legal liability for the individuals and their companies. In an environment where “only results matter,” it can be difficult for a new MBA or law school graduate to recognize the risks. If she does see the dangers, she may still find it hard to avoid them. This course seeks to help MBA and law students understand how a firm’s culture can tempt—or push—employees into unethical behavior. It also considers how employees can meet ethical challenges posed by their firms’ cultures and what leaders can do to build ethically healthy cultures.

**LAW 6401 Evidence** Fall. 3 credits. Letter grade only.

F. F. Rossi. Limited enrollment.

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

**LAW 6401 Evidence** Spring. 4 credits. S-U or letter grade.

S. F. Colb.

This course examines the rules that govern attorneys' trial presentations in criminal and civil cases. Beginning with the requirement that every piece of evidence offered be relevant to a fact that bears on the dispute, the course surveys the obstacles that confront attorneys offering proof at trial. We consider the rules barring character evidence, proof of sexual propensity, and hearsay, among others. The Federal Rules of Evidence (FRE) represents the main source of law for the course, though the case method is used and will accordingly, on occasion, expose students to state analogues of the federal rules. The exam in this course is entirely objective, i.e., true-false and multiple choice.

**LAW 6421 Family Law** Spring. 3 credits. S-U or letter grade.

C. G. Bowman.

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

**LAW 6431 Federal Courts** Spring. 4 credits. S-U or letter grade.

Prerequisite: Constitutional Law and second semester of Civil Procedure. Students without such background should consult with the instructor. Knowledge of the basic doctrines of administrative law is very useful, although not a strict prerequisite.

M. Dorf.

This course examines the various constitutional, statutory, 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 sovereign immunity and abstention doctrines; and habeas corpus.

**LAW 6441 Federal Income Taxation** Fall, Spring. 4 credits. S-U or letter grade.

R. A. Green [fall], R. A. Schnur [spring]. Limited enrollment.

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

**LAW 6461 Financial Institutions** Spring. 4 credits. S-U or letter grade.

R. C. Hockett.

An introduction to the regulatory structures, as well as some of the economic, technological and other factors, that pattern the conduct of financial intermediation in the U.S. The principal focus will be upon commercial banks, investment companies (mainly mutual funds), insurance companies, pension funds and securities firms in so far as these institutions discharge a common set of economic functions and give rise to a common cluster of counterparty and third party ("systemic") risks. Legal topics to be covered accordingly include entry-, functional and geographical restrictions; consumer-protection (including disclosure requirements) and competition-promotion; capital adequacy-, solvency- and related forms of risk-regulation (including deposit insurance); community-reinvestment; and "self-regulation." We shall also devote some attention to "alternative" financial service providers such as check-cashing services, community development financial institutions and micro-credit providers; and we shall take occasional note both of divergent (generally, non-American) jurisdictions' dominant modes of financial intermediation and of the "globalization" of finance, in order both to place what is distinctive about the dominant American forms into bolder relief and better to understand the forces operating behind recent and still unfolding changes to the American (and global) financial and finance-regulatory environments. No prior background in financial law or economics is required, but it is helpful.

**LAW 6471 Health Law** Fall. 3 credits. S-U or letter grade.

H. R. Beresford.

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

**LAW 6491 The IPO and M&A Process** [also NBA 5630] Spring, 3 credits. S-U or letter grade.

T. Willett. Limited enrollment.

Gives students an in-depth look at initial public offerings and deal structures from a practitioner's point of view. With respect to initial public offerings, the course covers the applicable statutory framework, pre-offering corporate preparations, 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, and selection of a trading forum. Regarding deal structures, the course explores choosing an appropriate transaction structure, deal financing alternatives, due diligence, public company transaction issues, and crucial legal aspects of the acquisition, such as caps/collars, letters of intent, successor liability, continuity of employees, and noncompetition agreements. The course will also cover certain non-traditional methods of going public, including reverse mergers.

**LAW 6501 Insurance Law** Spring, 3 credits. S-U or letter grade.

M. Heise.

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

**LAW 6511 Intellectual Property** Fall, 3 credits. Letter grade or S-U by permission of the faculty member.

O. Liivak.

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

**LAW 6521 International Business Transactions** Fall, 2 credits. S-U or letter grade.

D. MacGrath.

This course provides an overview of different commercial legal systems and examines private and public law aspects of international business transactions and the legal rules governing such transactions. Examples of private international business transactions include international sale of goods, letters of credit, foreign investment, international technology transfers and joint ventures. This course also considers international dispute resolution mechanisms (including international litigation and commercial arbitration) and related issues (including governing law, choice of forum and applicable treaties).

**LAW 6531 International Commercial Arbitration** Fall, 3 credits. S-U or letter grade.

(Students who have taken the international commercial arbitration course in the Paris program will receive 1 credit for this course. All others will receive 3 credits.)

J. J. Barceló III.

A study of arbitration as increasingly the dispute resolution method of choice for international trade and international business disputes (where the parties are from different countries). The course introduces the sources and hierarchy of norms governing international arbitration and then studies the legal issues and processes concerning enforcement of agreements to arbitrate, selecting and challenging arbitrators, choosing the procedure and applicable law in arbitral proceedings, and enforcement of the resulting arbitral award. The course gives special attention to the 1958 UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards (and agreements to arbitrate) known as the New York Convention, and the UNCITRAL (U.N. Commission of International Trade Law) Model Law. The course's unique approach—patterned on the nature of international commercial arbitration itself—focuses on commercial arbitration as a transnational phenomenon and not on arbitration under any particular national system. The course materials include court decisions, arbitral awards, national arbitration statutes, the rules of various arbitration institutions, and scholarly writings—drawn from all over the world.

**LAW 6681 International Law and Foreign Direct Investment** Spring, 3 credits. S-U or letter grade.

M. B. Ndulo.

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

investment disputes.

**Law 6532 International Law and Politics** Spring. 3 credits. S-U or letter grade.

A. Efrat.

The course is an introduction to public international law from a social science perspective. We begin by exploring the basic principles of international law, such as treaty making and sovereignty. We then cover the laws of war, international trade law, international law and development, human rights law, international law in the US legal system, and legalized resolution of international disputes. The course will emphasize the close relationship between international law and politics and will seek to answer questions such as: Why do states comply with international law? Why do states sometimes turn to an international court to settle their disputes? How and to what extent has international law been effective in facilitating trade and promoting human rights? Throughout the course, we will consider relevant historical and contemporary episodes, such as the use of force in Iraq and the development of the World Trade Organization.

**Law 6583 International Trade and Development** Fall. 3 credits. S-U or letter grade.

C. Thomas.

This course focuses on the intersection of two key objectives of the international order and international economic law: (1) the promotion of rules for the stabilization and liberalization of international trade; and (2) the encouragement of economic growth and development in poor countries. The course will begin with an overview of theoretical and policy models for development through trade, and then consider the origins and commitments of existing international trade law. Employing a case-study approach, the course will proceed to examine high-profile international trade disputes implicating development issues.

Questions arising out of these disputes include the following: Should developing countries receive special and differential trade preferences or be subject to universal free trade principles? Speaking of universal principles, should developing country governments be subject to the same environmental and labor standards that apply in industrialized countries? What about intellectual property rights do they help or hinder economic growth in weak economies? And how does trade affect the debt burdens of poor countries? Finally, what do these issues, and the disputes that raised them, suggest about the chances for success of current efforts in the international trade regime, such as the stalemated Doha Development Agenda?

**LAW 6590 Judicial Opinion Writing** Fall. 3 credits. S-U or letter grade.

J. Mollenkamp.

Judicial opinions are a fundamental part of our legal system. Well-written opinions share many common characteristics making them effective resolutions of current disputes as well as helpful precedent for the resolution of future disputes. This course will require students to research, write, and revise majority and dissenting opinions in various cases based upon a careful consideration of a full record, an oral argument, and any applicable precedent.

**LAW 6592 Labor Law, Practice and Policy** Fall. 3 credits. S-U or letter grade.

A. B. Cornell.

This course will focus on the federal laws regulating the organization of private-sector workers and unions and the process of collective bargaining in addition to addressing protected concerted activity unrelated to union organizing. Practice in the field of labor and employment law will be highlighted along with important and timely public policy issues.

**LAW 6601 Land Use Planning** Fall. 3 credits. S-U or letter grade.

E. Penalver.

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

**LAW 6141 Law and Ethics of Business Practice** Fall. 2 credits. S-U only.

S. J. Schwab. Students enrolling may not use Law 6141 to fulfill the ethics requirement.

Each week a distinguished guest lecturer from the business world will present a business-law problem. Speakers include the founders of businesses, the managing partners of large law firms, and the managers of hedge funds and private equity firms. The problems will cover a wide variety of topics, such as how to comply with the Sarbanes-Oxley audit requirements and how a hedge fund should react to improperly discovered confidential information.

Students will be required to write two 5-page lead papers on particular problems, and four 2-3 page response papers on themes covered in the class. No final examination.

**LAW 6631 Law for High Growth Business** [also NBA 6890] Fall. 3 credits. S-U or letter grade.

BR Legal students must pre-register to receive first priority for the course.

Z. J. Shulman. Limited enrollment.

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, (iv) understanding capitalization structures (common stock, preferred stock, warrants, etc.), (v) use of stock options as employee incentives, (vi) fundamental employment practices, (vii) proper establishment and utilization of Boards of Directors and Advisory Boards, (viii) technology licensing and commercialization, and (ix) acceptable business practices and the Foreign Corrupt Practices Act.

**LAW 6641 The Law Governing Lawyers** Spring. 3 credits. Letter grade only.

W. B. Wendel. Satisfies the professional responsibility requirement. Enrolling in this course does not prohibit enrollment in another professional responsibility course.

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 6651 The Law of Branding and Advertising: Trademarks, Trade Dress, and Unfair Competition** Fall. 2 credits. S-U or letter grade.

N. 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 6691 Law, Science and Sustainability.** Spring. 1 credit. S-U only.

J. J. Rachlinski.

The 21st century will mark the end of deep reliance on carbon-fueled economies, as they begin to run out and their costs begin to outweigh their benefits. Changing to alternative fuel sources will mean the decline of some familiar ways of doing things, but the rise of new opportunities as well. Law and regulation will play a critical role in this transition, but law must be informed by the available science. The goal of this class is to survey the scientific and economic landscape that marks society's energy future, with an eye towards the opportunities and challenges this landscape poses for law.

**LAW 6701 Legislation** Spring. 3 credits. S-U or letter grade.

J. Chafetz.

Much of the "law" that lawyers work with is statutory. This course will examine both how legislatures go about doing their work (that is, legislative process) and how courts and others utilize legislative output (that is, statutory interpretation). We will begin with a case study of the drafting and judicial interpretation of the 1964 Civil Rights Act. We will then devote substantial attention to theoretical and practical issues in statutory interpretation, including theories of interpretation generally, the canons of construction, and the use of legislative history. We will also examine the rules governing legislative behavior and debate, and we will consider how the different roles of legislators and judges affect our interpretation of statutes and cases.

**LAW 6737 National Security Law** Spring. 3 credits. S-U or letter grade.

A. Rana.

In the wake of 9/11, the question of American national security has been at the forefront of legal and political debate. This course will examine the current constitutional framework guiding national security institutions as well as its historical emergence -- especially in the late 19th century and during the early period of the Cold War. We

will cover such themes as the allocation of power between Congress and the President on matters of foreign policy and war making, as well as the role of the judiciary in checking the political branches. Special attention will be paid to how key statutes have shaped national security practices, including the National Security Act, the War Powers Resolution, the Foreign Intelligence Surveillance Act, and the Military Commissions Act. The course will also explore such topics as American detention policy (treatment of unlawful combatants and prisoners of war) in the context of international humanitarian law and the use of deportation and immigration powers in the service of national security aims.

**LAW 6892 Negotiated and Collaborative Decision-Making** Spring. 3 credits. Letter grade only.

C. R. Farina, M. J. Newhart. Limited enrollment.

Increasingly, systematic and collaborative techniques are being used both to address conflict and to reach decision in diverse settings, including the workplace, communities, and government. This course focuses on the nature of conflict; personal, cognitive and cultural factors affecting collaboration and negotiation; systems for conflict management, and different orientations for negotiation, mediation, and facilitation. Private and public settings will be considered; emerging online processes will be discussed. Case studies and exercises will be used to develop critical thinking and reasoning abilities, and illustrate the collaborative, creative and response methods for resolving disputes.

**LAW 6742 Patent Law** Spring. 3 credits. Letter grade or S-U by permission of the faculty member.

Prerequisite: An intellectual property survey course such as LAW 6511 is recommended but not required.

O. Liivak.

This course will focus on U.S. patent law giving comprehensive coverage of doctrinal elements and touching on key policy issues. No technical background is required.

**LAW 6713 Prelude to the U.S. Supreme Court and Labor and Employment Law** Winter Intersession. 1 credit. S-U only. Students will register for the offering in October during the spring registration period.

A. Cornell. Limited enrollment

This one-credit intersession course will expose students to a timely labor and employment law topic pending before the U.S. Supreme Court. The class will travel to D.C. sometime during the semester in order to hear the oral argument. During the intersession period, students will be required to read the briefs in the case, prepare a five-page paper on a related topic, and to present their research in class. Over the break, students will be required to read *The Nine: Inside the Secret World of the Supreme Court*, by Jeffrey Toobin or another book about the Court agreed upon by the professor. A one-page review of the book will also be required. Additional reading may be assigned.

The course will meet for two hours at the end of the fall examination period. Prior to the start of spring semester, during the second week in January, the class will meet for two four-hour days. This period will be spent discussing the substantive law in the case and hearing student presentations. The discussion of the case will continue on the six-hour drive to D.C. and debriefing on the return leg of the trip. Students will have one class session in spring with professors who have clerked in the Supreme Court. During the intersession period, students will be required to communicate with the professor regarding their paper topics and research agendas. Please note that this course may require students to miss at least one day of class during the semester for travel. Class is limited to 6 students with preference given to third-year students.

**LAW 6781 Products Liability** Fall. 3 credits. Letter grade only.

J. A. Henderson Jr.

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

**LAW 6791 Public International Law** Fall. 3 credits. S-U or letter grade.

J. Ohlin

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

**LAW 6792 Real Estate Transactions and Deal Structuring** [also CRP 6290] Spring. 3 credits. S-U or letter grade.

D. L. Funk.

Real estate transactions and deal structuring will examine real estate deals through a practitioner perspective within a case study and transactional approach. The course looks at the transactional components and structuring of real estate deals and related parties at each step in creating value from real estate, including acquisition and assemblage; due diligence; sourcing and financing; structuring the venture/parties; operation; disposition; and tax consequences. Additional issues within deal structuring that may be included are negotiation, managing risk including litigation and environmental issues, and analysis of financing techniques, and consequences when deals go bad, including workouts and bankruptcy. The case study format will address deals from the perspectives of investment fund manager, banker/lender, developer, REIT, joint venture partner/investor, and owner. The course will include assignments and exercises where students analyze real estate transactions, prepare and negotiate documents, and present transactions and deals to review entities.

**LAW 6811 Secured Transactions** Spring. 3 credits. S-U or letter grade.  
N. Oman.

A study of Article 9 of the Uniform Commercial Code, the law regarding security interests in personal property. In a secured transaction, a creditor may resort directly to particular assets of the debtor if an obligation is not met. The assets may be virtually any property, whether tangible (e.g., inventory and equipment) or intangible (e.g., shares of stock, accounts, intellectual property). Secured transactions are an integral part of the complex world of commercial finance. They help fuel the economy by enabling debtors to borrow more freely and lenders to better manage risk. On the other hand, if a debtor becomes insolvent, there might be nothing left for other creditors or tort victims because Article 9 enables lenders who take security to claim virtually all the debtor's assets. The first goal of the course is for students to become familiar with the substantive law, and particularly to learn to recognize when Article 9 applies to a transaction, which may not be immediately apparent. Second, working through the intricacies of Article 9 will help students sharpen their skills in statutory interpretation. Finally, we will address some of the theoretical issues involved in security and debt. There is no prerequisite for this course. (Students with a particular interest in commercial law may wish to study bankruptcy as well as secured transactions, but this can be done in either order.)

**LAW 6821 Securities Regulation** Spring. 4 credits. S-U or letter grade.

Prerequisite: Corporations/Business Organizations (or the equivalent for LLMS) is required for a student to enroll. This requirement may be waived only with the permission of the instructor. A student may enroll in Corporations/Business Organizations concurrently.  
C. K. Whitehead.

This course analyzes key issues under the U.S. federal securities laws, principally the Securities Act of 1933 and the Securities Exchange Act of 1934, with respect to the domestic and international offer and sale of securities. It includes a study of what constitutes a security, the public offering process, mandatory disclosure requirements for public companies, exemptions from registration (including exempt global offerings), and potential liabilities and sanctions.

**LAW 6823 Social and Cognitive Psychology for Lawyers** Spring. 3 credits. Letter grade only.

J. J. Rachlinksi. Limited enrollment.

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

**LAW 6822 Social Science and the Law** Fall. 3 credits. S-U or letter grade.

V. Hans.

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

**LAW 6841 Sports Law** Spring. 2 credits.

Recommended prerequisites: Antitrust Law and Labor Law. Course meets for 10 weeks. S-U or letter grade.  
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, franchise movement, and constitutional law are addressed.

**LAW 6844 State and Local Government** Fall. 3 credits. S-U or letter grade.

L. S. Underkuffler.

State and local governments have long been regarded as “laboratories” for possible solutions to difficult social issues, and as political institutions that are closest to the people. In addition to traditional concerns, state and local governments in recent years have been the primary actors in contentious areas such as health care reform, gay marriage legalization, campaign finance reform, property rights protection, and other issues. This course will examine the powers of and legal restraints on state and local governments in state systems, and as a part of the American constitutional order. Topics will include state constitutions, the rights that they confer, and their methods of interpretation; local government boundary formation and boundary change; state and local service, police, and taxing powers; the emergence of supra-local (regional) government; and the place of state and local governments in the federal system (including commerce clause, privileges and immunities clause, and taxation issues). The final part of the course will consider several areas of recent and future litigation – such as the interstate validity of gay marriages and federal challenges to states’ medical and health reforms – as a way to illustrate the difficult issues of conflicting sovereignty that this area of law presents.

**LAW 6861 Supervised Teaching** Fall, Spring. 1 or 2 credits. S-U only.

Arrange directly with instructor. Specific credit limits apply – carefully review the registration form available from online registration site or registrar’s office.

**LAW 6871 Supervised Writing** Fall, Spring. 1, 2, or 3 credits. S-U only.

Arrange directly with instructor. Specific credit limits apply – carefully review the registration form available from online registration site or registrar’s office.

**LAW 6881 Supervised Teaching and Supervised Writing - Lawyering Program Honors Fellows** Full year. 4 credits. S-U only.

Prerequisite: application process. Specific credit limits apply – carefully review the registration form available from online registration site or registrar’s office.

Lawyering Program Honors Fellows serve for the full academic year as teaching assistants in the Lawyering course. With training and guidance from the Lawyering faculty, Honors Fellows work on myriad course-related tasks. In addition to meeting regularly with first-year students, Honors Fellows may help design course assignments and documents, critique papers, participate in simulations, and assist the research attorneys with the teaching of legal research. Honors Fellows also teach classes on the Bluebook. Additionally, Honors Fellows serve as mentors to first-year students and may participate in workshops on basic law-school skills. During the spring semester, Honors Fellows may, under the direction of the Dean of Students, tutor first-year students.

**LAW 6891 Taxation of Corporations and Shareholders** Spring. 3 credits. S-U or letter grade.

Prerequisite: Federal Income Taxation. LL.M. students must secure permission of the instructor.  
R. A. Green.

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

**LAW 6921 Trial Advocacy** Spring. 4 credits. S-U or letter grade.

Prerequisite: Evidence recommended. Students without prior Evidence study are advised to speak with the instructor prior to enrolling.

G. G. Galbreath. Limited enrollment

The course is devoted to the study and weekly performance of the full range of trial techniques. Fundamental skills are taught in the context of challenging procedural and substantive law problems. Each stage of the trial is examined: jury selection, opening statement, direct examination, cross-examination, objections, impeachment, exhibits, expert witnesses, child witnesses, pre-trial, and closing argument. In addition to a lecture and student exercises every week, students will do a full day jury trial exercise at the completion of the course on a weekend at a local court with an actual judge and jury. All weekly performances are digitally recorded and reviewed

and then re-reviewed by another faculty member with the student individually. There are occasional written assignments and class attendance is mandatory for all exercises sessions and the first class lecture.

**LAW 6941 Trusts and Estates** Fall. 4 credits. Letter grade only.

G. S. Alexander.

The course surveys the law of succession to property, including wills and intestate succession, as well as the law of trusts. The course provides basic tools for estate planning, but does not include systematic coverage of estate taxation.

**LAW 6981 WTO and International Trade Law** Spring. 3 credits. S-U or letter grade.

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).

### **Colloquiums, Seminars and Problem Courses**

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

Admission to all problem courses and seminars determined by lottery.

**LAW 7012 Advanced Criminal Procedure: Post-Conviction Remedies.** Spring. 3 credits. S-U or letter grade.

K. M. Weible. Limited enrollment. Satisfies the writing requirement.

This course examines the procedural and substantive law governing collateral challenges to criminal convictions in state and federal courts, and explores the tensions between the criminal justice system's competing interests in finality and production of reliable convictions and sentences. The course includes a historical overview of modern habeas corpus, studies substantive claims for relief common to collateral proceedings, and examines important procedural limitations on relief including the exhaustion requirement, procedural default, and nonretroactivity. Much of the course will concentrate on the meaning, application and impact of the modifications to the federal habeas corpus statutes made by the Antiterrorism and Effective Death Penalty Act of 1996.

**LAW 7031 Advanced Legal Research** Spring. 3 credits. Letter grade only.

Prerequisite: Lawyering.

P. G. Court, J. M. Callihan, A. Emerson. Limited enrollment. Satisfies the writing requirement.

This seminar is designed to provide students with research skills that are essential for success as law practitioners, regardless of their career path. The topics move beyond the basic legal research instruction in Lawyering, including efficient use of Lexis, Westlaw, and other electronic databases; internet resources; international and foreign law research; business and social science resources; and legislative history. Emphasis is placed on devising effective research strategies, finding materials, and evaluating resources. In addition to weekly assignments on each topic, students develop their skills by completing a substantial paper examining the research process and key sources in a topic of the student's choosing.

**LAW 7042 Advanced Litigation: Problem-Solving Seminar** Spring. 3 credits. S-U or letter grade.

M. Oxhorn. Limited enrollment. Satisfies the writing requirement.

Attendance is not mandatory for the first class, although strongly recommended.) Through a series of written and oral assignments involving hypothetical federal and state cases (criminal as well as civil) derived from the instructor's actual experience as a litigator, students will learn reliable methods for developing effective responses to a wide range of increasingly complex litigation problems, including ones involving seemingly novel questions or unfamiliar fields. There will be some opportunities for formal drafting, briefing and moot court presentations, but the primary focus will be on working through a series of problem-solving exercises designed to enable any good advocate to approach even the most challenging issues with the clarity and creativity needed to (a) identify what is at stake and (b) successfully anticipate and be prepared to respond to any potentially persuasive arguments that an adversary or court might conceivably raise. There will be no examinations. Grading will be based entirely on student work on assignments and class participation, including an overall assessment of progress over time.

**LAW 7052 Advanced Persuasive Writing and Appellate Advocacy** Fall. 3 credits. S-U or letter grade.

B. R. Bryan. Limited enrollment. Satisfies the writing requirement.

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

**LAW 7022 Advanced Topics in Property Theory** Spring. 3 credits. Letter grade only.

L. Underkuffler. Limited enrollment. Satisfies the writing requirement.

The idea of property as that which describes the individual's inviolable sphere has been central to our constitutional scheme and to calls for protection of various interests by the political right and the political left. In this seminar, we will examine the idea of property and its usefulness in resolving issues of current social conflict. We will begin with a general consideration of rights by examining some philosophical readings on rights theories, and critiques of those theories. We will next look at the particular right of property: what it is, and the extent to which it should be placed beyond ordinary democratic processes through various constitutional theories of protection. We will then consider the extent to which property concepts can be usefully employed to resolve an array of critical social issues, such as the enforcement of surrogacy (parenting) contacts, the sale or other control of body parts, the determination of the fate of human embryos, the pursuit of human cloning and genetic engineering, an individual's control of personal information, the recognition of relational rights (such as those arising from unmarried heterosexual and gay relationships), and others. Grading will be based on brief reaction papers written by students throughout the course. Students who wish to write longer research papers in conjunction with the seminar may do so for additional credit (with permission of the instructor).

**LAW 7072 Animal Rights** Spring. 3 credits. S-U or letter grade.

S. F. Colb. Limited enrollment. Satisfies the writing requirement.

This seminar examines the moral assumptions underlying the legal status and human use of non-human animals. State and federal law treat animals primarily as property, sometimes modified to take account of animals' subjective experience. We will study a variety of legal and philosophical writings that address the legal and moral status of animals, including the debate between supporters of an "animal welfare" approach that aspires to the reduction of animal suffering, and supporters of an "animal rights" approach that aims to abolish the use of animals. Among the questions the seminar poses are: What capacities, if any, warrant shielding animals from various forms of exploitation? Do animals have interests in continued existence or merely in avoiding suffering? Might some but not other human uses of animals be justified, and if so, which ones? Medical experimentation? The use of animal products (such as milk and eggs) for food? The keeping of animals as pets? In addition to the assigned readings, students will be responsible for a research paper.

**LAW 7091 Biblical Law** Spring. 3 credits. S-U or letter grade.

C. M. Carmichael. Limited enrollment. Satisfies the writing requirement.

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 7102 Capital Punishment Law** Fall. 3 credits. S-U or letter grade.

C. Seeds. Limited enrollment. Satisfies the writing requirement.

This seminar examines the complex body of law governing imposition of the death penalty in the United States. The course aims to provide a historical overview of capital punishment law, critically analyze its constitutional doctrines, and introduce aspects of criminal procedure that are unique to death penalty cases. The primary focus will be on Eighth Amendment jurisprudence, including challenges to the arbitrary and discriminatory application of the death penalty, the development of modern death penalty statutes, the role of aggravating and mitigating circumstances in

the capital sentencing trial, and constitutional limitations on eligibility for the death penalty. The course will also examine the performance standards for counsel in capital cases, difficult problems raised by volunteer defendants who wish to waive mitigation, the role of international law in capital cases, and the constitutionality of certain methods of execution. The seminar is recommended for students interested in the Capital Trial Clinic or the Capital Appellate Clinic.

**LAW 7092 Catholic Social Thought and the Law** Fall. 3 credits. S-U or letter grade.

E. Penalver. Limited enrollment. Satisfies the writing requirement.

With a Catholic majority on the Supreme Court, it is more important than ever to understand the distinctive features of the Catholic jurisprudential tradition. This course is intended to serve as a broad introduction to Catholic social teaching as it has developed since the Pope Leo XIII's landmark 1891 encyclical, *Rerum Novarum*. The course involves a mixture of readings, ranging from church documents to scholarly commentary by such writers as Thomas Aquinas, John Courtney Murray, Robert George, and Charles Curran. Issues covered include the relationship between morality and law, economic justice and the welfare state, the Theology of Liberation, the death penalty, abortion, and assisted suicide.

**LAW 7101 Central Topics in Jurisprudence and Legal Theory** Fall. 3 credits. Letter grade only.

R. S. Summers. Limited enrollment. Satisfies the writing requirement.

This seminar will address four related topics that cut across, yet arise within, all discrete law school courses: (1) the basic features of the overall form and complementary content of a legal system, (2) the distinctive relations between law, legal form, and justice, (3) the special nature of the resources of reason and argument as commonly deployed in the law, and (4) the classic "legal positivism vs. natural law" debate. In the usual law school course, many occasions arise to give such topics as these frontal and systematic treatment, yet there is little or no time to do so without sacrificing important course coverage. The well-educated lawyer should, however, be conversant with the general issues involved, and with at least some of the now very rich literature bearing on their resolution.

Seminar materials will include a recent book by the instructor, *Form and Function in a Legal System – A General Study* by Robert S. Summers, published by Cambridge University Press; draft chapters of a book in progress on legal reasons and reasoning by Robert S. Summers; judicial opinions; statutes; and other primary sources. There will be extensive opportunity for class discussion. The grade will be based on a seminar paper and class discussion.

**LAW 7144 Colloquium on Law and Development in the Middle East and North Africa** Spring. 3 credits. S-U or letter grade.

C. Thomas. Limited enrollment. Satisfies the writing requirement.

This course begins with a comparative review of contemporary approaches to law and development, from the era of twentieth-century decolonization to the present day. We will then consider particular challenges in the region related to conflict resolution, democratic governance, urbanization, and market growth. The bulk of the course will feature speakers from Cornell as well as other universities who will present their work for critical analysis by the class. Students will be required to write six short papers, which will due in advance of the class session.

**LAW 7151 Constitutional Law and Political Theory** Spring. 3 credits. S-U option available.

S. H. Shiffrin. Limited enrollment. Satisfies the writing requirement.

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 may be considered.

**LAW 7132 Constitutional Law and Theory Colloquium** Fall. 3 credits. S-U or letter grade.

J. Chafetz, M. Dorf. Limited enrollment. Satisfies the writing requirement.

This colloquium will examine current and classic topics in advanced constitutional law and constitutional theory. Roughly half of the sessions will feature presentations of works in progress by constitutional scholars. During the other sessions, assigned readings will mostly consist of canonical works in the field. For class meetings in which no faculty presentation occurs, responsibility for presenting the assigned reading will rotate among students in the colloquium. Over the course of the term, each student will be responsible for writing three brief reaction papers to the works in progress and at the end of the semester, each student will hand in a longer research paper on a topic approved by the instructors.

**LAW 7991 Cornell Research Colloquium** Fall. 3 credits. J.S.D. and LL.M. program grading – H, S, U; J.D. program - Letter grade only.

M. Lasser. Limited enrollment. Satisfies the writing requirement. This seminar course will be required for all first-year J.S.D. candidates. It will also be open first to L.L.M. students and then to J.D. students to the extent that places

are available. Visiting scholars and exchange students from foreign institutions are highly encouraged to attend in an unofficial capacity. This seminar is a course in advanced academic research methodology. The Colloquium is designed to prepare the students to engage in doctoral-level research, analysis and writing, especially in comparative and international contexts. How is the researcher to select an object or subject of investigation? How should she formulate research questions? How should she engage in the study of foreign and domestic legal institutions, doctrines and/or cultures? How is interdisciplinary work to be accomplished?

The early portions of the course will involve discussing readings in comparative research methodology, including functionalism, Common Core analysis, legal transplant theory, historicism, law and development, legal pluralism, cultural analysis, colonial studies, and comparative institutionalism. In the latter portions of the course, students will present and critique their methodologically reflective research projects. A modest number of external speakers will be invited to present their work in progress for the purposes of generating methodologically oriented discussion.

**LAW 7172 Corruption Control** Spring. 3 credits. S-U or letter grade.

R. Goldstock. Limited enrollment. Satisfies the writing requirement.

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 7170 East Asian Law and Culture Seminar** Fall. 3 credits. S-U or letter grade.

A. Riles. Limited enrollment. Satisfies the writing requirement. Cannot be taken concurrently with Law 7171.

With many of the world's most dynamic economies now in East Asia, today's law graduates are more likely than ever to be involved with legal issues from that region. At the same time, legal problems in East Asia, from human rights, to judicial and legal education reform, to conflicts over labor, environmental and minority rights, to local debates about medical and scientific regulation and ethics, are invaluable sources of comparative insight about our own legal system. This seminar introduces students to the challenges and opportunities of studying law and culture in East Asia from a sophisticated interdisciplinary perspective. Students will participate in a semester-long colloquium and conference series on law and culture in East Asia in which Cornell faculty and guest speakers from around the world will present new research on current legal issues in the region. Students will be required to read a series of background materials in preparation for each seminar and to write six three- to five-page papers responding to the presentations. Everyone who wishes to take the course for credit must attend the first class.

With the permission of the instructor a student will be permitted to take this seminar more than once.

**LAW 7171 East Asian Law and Culture Colloquium** Fall. 1 credit. S-U only.

A. Riles. Cannot be taken concurrently with Law 7170.

Students will participate in a semester-long colloquium and conference series on law and culture in East Asia in which Cornell faculty and guest speakers from around the world will present new research on current legal issues in the region. Attendance and participation in all of the 6 to 8 scheduled colloquia as well as the annual Clarke Lecture and Conference is required. Students will prepare a 3-5 page response paper summarizing key findings of one workshop event for a wider public audience over the course of the semester.

**LAW 7194 Empirical Legal Studies Colloquium** Spring. 3 credits. S-U or letter grade.

V. Hans. Limited enrollment. Satisfies the writing requirement.

This colloquium provides an in-depth exploration of Empirical Legal Studies, which involves the application of systematic research methods to the study of legal issues. Issues that have been studied using these methods include such diverse topics as the structure of the legal profession, the influence of race and gender in legal decision making, the impact of educational policies and practices, reforms in medical malpractice and civil justice, corporate law and finance, bankruptcy, employment discrimination, and criminal sentencing.

**LAW 7201 Empirical Studies of the Legal System** Fall. 3 credits. Letter grade only.

T. Eisenberg. Limited enrollment. Satisfies the writing requirement.

This seminar will focus on empirical studies of selected topics, including the death penalty and punitive damages. Each student is expected to complete an empirical project. Each student will need a laptop computer.

**LAW 7172 Employment Discrimination** Fall. 3 credits. S-U or letter grade.

M. L. Goldstein. Limited enrollment. Satisfies writing requirement.

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

**Law 7232 Ethical Issues in the Investigation and Prosecution of Complex Criminal Cases and Terrorism**

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

M. Bachrach. Limited enrollment. Satisfies the writing requirement. Satisfies the professional responsibility requirement.

This seminar will explore the role of government lawyers and defense counsel in complex investigations and prosecutions, including cases and matters involving terrorism. We will examine some recent cases and proceedings, including, for example: the disbarment of Michael Nifong, the prosecutor of the Duke Lacrosse team members; the Scrushy and Stringer cases; the Chapman case; recent cases against two criminal defense attorneys, Lynne Stewart and Robert Simels; and the KPMG case (*United States v. Stein*). We will also address the role of government lawyers in advising on the treatment of detained persons during interrogation. In doing so, we will read some of the materials, including recently declassified memoranda, written by and about lawyers from the Office of Legal Counsel of the Department of Justice on the use of cruelty and torture in the investigations conducted as part of the war on terrorism.

**LAW 7261 Feminist Jurisprudence** Spring. 3 credits. S-U or letter grade.

C. G. Bowman. Limited enrollment. Satisfies the writing requirement.

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

**LAW 7291 Global and Regional Economic Integration: The WTO, EU, and NAFTA** Spring. 3 credits.

S-U or letter grade.

J. J. Barceló III. Limited enrollment. Satisfies the writing requirement.

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

**LAW 7311 Immigration and Refugee Law** Fall. 3 credits. S-U or letter grade.

Prerequisite: Constitutional Law.

S. W. Yale-Loehr. Limited enrollment. Satisfies the writing requirement.

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 7593 Income Taxations of Corporate Mergers and Acquisitions** Spring. 3 credits. S-U or letter grade.

Prerequisite: Federal Income Taxation is an absolute prerequisite for the seminar, unless (a) a student believes that he or she has an equivalent academic or professional background, AND (b) receives my advance permission to enroll.

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

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

**Law 7313 International Cooperation** Fall. 3 credits. Letter grade only.

A. Efrat. Limited enrollment. Satisfies the writing requirement.

The seminar examines – both theoretically and empirically – the establishment of international cooperation through legal rules and institutions in various areas, including security (laws of war; alliances; arms control); legal and illicit trade; human rights; intellectual property rights; and foreign investment. Additional topics include international adjudication, the United Nations, and the European Union. The seminar will be based on class discussions, in which we will critically consider the relevant literature. We will also apply our theoretical understanding of international cooperation to current events (e.g., how should we assess the recent efforts for UN reform?). Grade will be determined on the basis of participation in class discussion and a final paper on a topic related to the seminar's themes.

**LAW 7321 International Criminal Law** Spring. 3 credits. Letter grade only.

M. B. Ndulo. Limited enrollment. Satisfies the writing requirement.

The seminar examines the questions surrounding international criminal law as a separate discipline and the sources of and basic principles underlying the subject. Particular attention will be paid to the question of jurisdiction over international crimes. It will consider international crimes such as aggression; war crimes, crimes against humanity, terrorism, and torture. It will also consider the treatment of past human rights violations in post conflict situations. It will further consider procedural aspects of international criminal law and the forums that deal with international crimes. In that context, it will look at the structure, jurisdiction and jurisprudence of Truth Commissions; the International Criminal Court (The Rome Statute); the former Yugoslavia Tribunal; Rwanda Tribunal and extradition and mutual legal assistance. The format will be class discussions of assigned readings. Final assessment in the course will be based on participation in class discussions and a written paper on a subject falling within the themes of the seminar. Paper topics must be submitted to the instructor for review not later than the third week of class. Each student is expected to give a presentation based on his or her paper to the class.

**LAW 7352 International Law and Imperialism** Spring. 3 credits. S-U or letter grade.

A. Anghie. Limited enrollment. Satisfies the writing requirement.

This seminar explores the relationship between imperialism and international law through an examination of historical materials and the writings of scholars and jurists from the sixteenth century to the present. We will study relevant legal doctrines—such as conquest, terra nullius and self-determination—and theories used to account for colonialism and decolonization, and the efforts of newly independent countries to reform international law. In studying these themes and issues, we will contrast traditional understandings of the relationship between imperialism and international law with alternative interpretations, and consider these in the context of broader contemporary debates about the nature and theory of international law. We will also study the work of scholars writing in the tradition of Third World Approaches to International Law (TWAAIL).

**LAW 7322 International Taxation** Spring. 3 credits. S-U or letter grade.

Prerequisite: Federal Income Taxation. LLM students must secure permission of the instructor.

R. A. Green. Limited enrollment. Satisfies the writing requirement.

This seminar examines the principles underlying the U.S. taxation of U.S. persons who earn income abroad and the U.S. taxation of foreign persons who earn income in the United States.

**LAW 7332 International Women's Rights** Fall. 3 credits. Letter grade only.

M. E. Greenberg. Limited enrollment. Satisfies the writing requirement.

Since the Fourth World Conference on Women in 1995 and the Beijing Platform for Action, the focus on women's rights has expanded to engage advocates worldwide, reach beyond international frameworks to the national and community levels, involve men in promoting women's rights, and paying attention to economic and social rights. Yet violations of women's rights remain pervasive and tragic. While global exchange of information, alliances and experience have increased the use of legal mechanisms, they have also raised questions about their limitations.

This seminar will have three dimensions: conceptual and historic foundations, international and regional legal systems, and multi-faceted strategies for promoting and protecting women's rights. We will address legal literacy and access to law, influences of religion and culture, the roles of regional women's networks and local civil society, and comparisons with gender equality objectives and gender mainstreaming.

The seminar requirements will be: (1) Regular attendance and active participation in class discussions, (2) Team presentation on a region of choice, (3) a take-home midterm, and (4) a major seminar paper.

**LAW 7371 Islamic Law and History** Fall. 3 credits. S-U or letter grade.

D. S. Powers. Limited enrollment. Satisfies the writing requirement.

This course is designed to introduce law students to the terminology, principles, and concepts of classical Islamic law. After discussing the origins and evolution of Islamic law, we will turn first to the organization of qadi courts

(procedure and evidence) and then to specific areas of the law, e.g., personal status (marriage and divorce), the intergenerational transmission of property (bequests, gifts, and endowments), commerce (contracts, hire, allocation of loss), and crime. The application of legal doctrine to actual disputes will be analyzed through the reading of expert judicial opinions or *fatwas* (in English translation) issued in connection with medieval and modern court cases.

**LAW 7392 Jurisprudence of War** Spring. 3 credits. S-U or letter grade.

J. Ohlin. Limited enrollment. Satisfies the writing requirement.

An investigation of the deeper theoretical and conceptual problems underlying the Law of War, including current constitutional developments regarding habeas corpus rights for battlefield detainees; the categories of enemy combatant and War on Terror; the legal definitions of terrorism and torture; the collective nature of genocide, aggression, and crimes against humanity; and modes of liability in international criminal law, including the doctrines of conspiracy, joint criminal enterprise, co-perpetration, and command responsibility. Students are required to write a seminar paper on a topic to be chosen in consultation with the professor.

**LAW 7395 Labor and Employment Arbitration** Spring. 3 credits. S-U or letter grade.

M. L. Goldstein. Limited enrollment. Satisfies the writing requirement.

Study of arbitration in the field of labor-management relations, including an analysis of principles and practices, the law of arbitration, the handling of materials in briefs or oral presentation, the conduct of a mock arbitration hearing, and the preparation of arbitration opinions and post-hearing briefs.

**LAW 7411 Law and Higher Education** Spring. 3 credits. Letter grade only.

Prerequisite: Constitutional Law or Administrative Law.

J. J. Mingle. Limited enrollment. Satisfies the writing requirement.

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 7561 Legal Aspects of Commercial Real Estate Development** Spring. 3 credits. Letter grade only.

Prerequisite: first year Property course or the equivalent.

J. E. Blyth. Limited enrollment. Satisfies the writing requirement.

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

**LAW 7580 Markets, Morals and Methods** Spring. 3 credits. Letter grade only.

R. C. Hockett, K. Basu. Limited enrollment. Satisfies the writing requirement.

This seminar, open to law students and graduate philosophy and economics students, is devoted to the foundations of choice, agency, and welfare -- matters that lie at the core of normative legal and economic theory. It is jointly run by Kaushik Basu, Chair of Economics at Cornell, and Robert Hockett, of the Cornell Law School.

Readings, guest speakers, and class discussion will focus on the nature of preferences, reasons, and norms, as well as (a) their inter-relations and (b) their roles in guiding human decision and action. A central theme will be the question whether and to what degree welfare, well-being, and wealth for that matter can be understood apart from and even as determinative of normative propriety ("rightness" and "wrongness"), or whether instead these concepts presuppose a prior conception of normative propriety. Many legal and economic theorists seem to assume the former, but this assumption can -- and in this course will -- be examined critically.

Approximately half of the class sessions will feature presentations by distinguished legal theorists, welfare economists, and philosophers. The other class sessions will be devoted to discussion of papers sent in advance by these guests, as well as complementary work by others.

**LAW 7582 Memory and the Law** (also HD 6190) Fall. 3 credits. S-U or letter grade.

C. Brainerd. Limited enrollment. Satisfies the writing requirement

This course will focus on how the scientific study of human memory interfaces with the theory and practice of law. Students will study relevant areas of memory research (e.g., storage, retrieval, false memory, memory deficits in impaired populations) and memory theory. Students will also study specific areas of legal practice in which the reliability of evidence is critically dependent on human memory (e.g., eyewitness identification, recovery of repressed traumatic memories, confessions, elderly witnesses, child witnesses). Readings will come from primary library sources.

**LAW 7591 Mergers and Acquisitions** Fall. 3 credits. S-U or letter grade.

Prerequisite: Prior or concurrent: basic Business Organizations/Corporations class at Cornell or another U.S./Canadian law school. Prior (not concurrent): basic Contracts class from Cornell or another U.S./Canadian law school or basic contracts class (from any other law school) deemed comparable by the professors.

M. I. Greene, R. A. Hall. Limited enrollment. Satisfies the writing requirement.

The focus of this course is developing the lawyering skills required by an attorney advising a client who is selling or acquiring a business. Individual drafting exercises, as well as strategy discussions and negotiations by student teams acting as counsel to the buyer or seller, will be interspersed with lectures on the business acquisition process and analysis of selected publicly available documentation of actual acquisition transactions. The typical chronology of an acquisition: negotiation by the buyer and the seller of the basic terms of the deal including selection of structure (sale of stock or assets; merger); drafting and negotiation of a term sheet or letter of intent; due diligence investigation; drafting and negotiation of the definitive acquisition agreement; handling of problems encountered between the execution of the agreement and the closing of the acquisition; and the closing.

**LAW 7594 Neuroscience and the Law** Fall. 3 credits. S-U or letter grade.

P. Johnson. Limited enrollment. Satisfies the writing requirement.

This seminar examines key findings and implications for the law in the rapidly expanding field of neuroscience. Topics to be covered include the neurobiology of decision-making and memory, issues of gender difference in brain function, and the neurophysiology of trauma, addiction, and aggression. Attention will also be given to recently developed technologies for observing the human brain, the history and philosophy of clinical diagnosis as related to psychopathology and deviant behavior, and to prisons as asylums. The goal of the seminar is to enable students to integrate cutting-edge scientific findings and related controversies into their understanding and approach to legal practice in such areas as criminal justice, mental health disability, domestic violence, gender equity, and child welfare.

**LAW 7594 New York Civil Practice** Spring. 3 credits. S-U or letter grade.

Prerequisite: Full year of Civil Procedure.

N. E. Roth. Limited enrollment. Satisfies the writing requirement. Satisfies the professional responsibility requirement.

The course will explore the idiosyncrasies and intricacies of New York practice and procedure, with a particular focus on practice in the New York Supreme Court (the primary court of general original jurisdiction in New York). The course will also examine rules concerning civility in litigation and the ethical boundaries of zealous representation.

**LAW 7601 Organized Crime Control** Fall. 3 credits. S-U or letter grade.

R. Goldstock. Limited enrollment. Satisfies the writing requirement.

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 7631 Pretrial Practice, Litigation Strategies, and Remedies in Commercial Litigation** Fall. 3 credits. S-U or letter grade.

Prerequisite: Civil Procedure and Contracts or Contracts in a Global Society.

A. M. Radice, M. D'Amore. Limited enrollment. Satisfies the writing requirement. Satisfies the professional responsibility requirement.

This seminar studies the strategies of complex commercial litigation, focusing on case development in the pretrial period. It will address strategies and approaches to pleadings, jurisdiction, motions, pretrial discovery and remedies (e.g., preliminary injunctions, damages) in the context of difficult and unclear legal issues. Hardball litigation techniques and ethical considerations will be considered as well as the use of litigation to achieve business goals. Actual litigated cases will be dissected and papers in the form of briefs and memoranda will be written on each.

Since 90% of commercial cases settle before trial, this seminar will be a real life presentation of the commercial litigation process.

**LAW 7652 Human Free Will and Criminal Law [Seminar in the History of Biology]** Fall. 3 credits. S-U or letter grade.

W. Provine. Limited enrollment. Satisfies the writing requirement.

This seminar will aim at understanding human free will. We will try to understand the concept and its importance in society, law, and its connections to blame, retribution, punishment, and revenge. We will do our best to define human free will. Some of us will find it unintelligible, given the evolutionary origin of humans. Others may consider it a gift of some god, or forbidden by other gods who truly control everything. Still others may find a way to see evolution of humans as the source of approximate free will. We will have guest speakers, including David Levitsky in Psychology and Nutrition, Derk Pereboom in Philosophy, and Reverend Janice Shortall, CURW. The written requirement is a serious research paper.

**LAW 7654 Special Problems in Trial Practice** Fall. 3 credits. S-U or letter grade.

E. Ainslie. Limited enrollment. Satisfies the writing requirement. Satisfies the professional responsibility requirement.

An examination of professional problems faced by American trial lawyers, e.g. unethical judges, ineffective opposing counsel, unpreparable witnesses and lying clients, as well as practical trial strategy issues in more typical trials. Readings from real cases, including several from the instructor's case-files over decades of trial practice.

**LAW 7783 Topics in Intellectual Property** Spring. 3 credits. Letter grade only.

O. Liivak. Limited enrollment. Satisfies the writing requirement.

Sizable disagreement and controversy surround many areas of intellectual property. This seminar explores these disputes. By surveying the academic literature the seminar aims to introduce, understand, and ultimately critique the arguments being made for and against various aspects of intellectual property.

**Law 7785 War Crimes Trials** Fall. 3 credits. S/U or letter grade.

M. Rosensaft. Limited enrollment. Satisfies the writing requirement. Satisfies the professional responsibility requirement.

Beginning in November 1945, in an unprecedented attempt to bring war criminals to justice, more than 20 senior government officials and military leaders of Hitler's Third Reich were indicted and tried, in what has become known as the Nuremberg Trial, for crimes against peace, war crimes, and crimes against humanity. Earlier that fall, the SS commandants, officers and guards who had been arrested by the British upon the liberation of the Bergen-Belsen concentration camp, had been tried before a British military tribunal. These were the first of numerous trials of Nazi war criminals and related criminal and civil proceedings arising out of the Holocaust. This seminar will examine legal and ethical issues raised in these and other trials of Nazi war criminals and individuals accused of collaborating with the Nazis in perpetrating crimes against humanity, including the Eichmann Trial in Jerusalem, the Auschwitz Trial of former SS officials and guards held in Frankfurt-am-Main, Germany in 1963-65, the 1963-64 Tel Aviv trial of Hersz Barenblat, the head of the Jewish police in the ghetto of Bedzin, Poland, and the trials of Klaus Barbie (1987), Paul Touvier (1994) and Maurice Papon (1997-98) in France.

**LAW 7784 The War on Drugs** Fall. 3 credits. S-U or letter grade.

M. J. Satin. Limited enrollment. Satisfies the writing requirement.

The United States incarcerates more people for drug offenses than any other country. Of the more than 2 million people in prisons or jails, approximately one-quarter of those people have been convicted of a drug offense. This seminar examines America's War on Drugs, including its evolution and development over the past forty years, its successes and failures, and its social and economic consequences. Specific attention will be paid to its impact on the poor and people of color. To that end, the seminar will examine the basis for and effect of disparities in sentences between crack and cocaine offenses as well as recent federal cases and legislation on this subject. Other topics include mandatory minimum sentences, drug treatment and drug court, the movement to legalize drugs, mandatory drug testing in schools and in sports, and U.S foreign policy towards countries supplying drugs. Students will be expected to write a weekly paper on the reading.

### **Clinical Courses and Externships**

All clinical courses and externships have limited enrollment.

Admission to all clinic courses is instructor selected.

Detailed clinical descriptions may be found at:

<https://support.law.cornell.edu/students/forms/ClinicalCoursesAndExternshipsDescriptions.pdf>

**LAW 7802 Capital Appellate Clinic** Fall. 4 credits. S-U or letter grade.

Prerequisite: permission of instructor; Criminal Procedure, Evidence, and the Capital Punishment Seminar are preferred but not required.

J. H. Blume, S. L. Johnson. Limited enrollment.

Students in this clinic will assist in the preparation of appellate briefs in selected capital cases. Students will work intensively with the record, research legal issues, and draft arguments. Unlike most of the death penalty clinics, no travel is expected.

**LAW 7811 Capital Punishment Clinic: Post-Conviction Litigation** Spring. 4 credits. S-U or letter grade.

Prerequisite: permission of instructor; Criminal Procedure, Evidence, and the Capital Punishment Seminar are preferred but not required.

S. L. Johnson. Limited enrollment.

Death penalty litigation: investigation and the preparation of petitions, memoranda, and briefs. This course is taught as a clinic. Two or possibly three capital 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, research, and strategy for the cases.

Note: This course may require off premises travel. The Cornell Death Penalty Project will reimburse students for reasonable travel expenses.

**LAW 7812 Child Advocacy Clinic I** Spring. 4 credits. S-U or letter grade.

Prerequisite: permission of the instructor.

A. J. Mooney. Limited enrollment.

Students will participate in the representation of children who are the subject of family court proceedings. Cases are likely to involve children who are the subjects of petitions such as: abuse or neglect, custody, termination of parental rights, status offense and juvenile delinquency. Students will interview clients and their families, prepare documents such as pleadings, motions, pre-trial memos and proposed findings of fact, and participate in court conferences and hearings. The in-class component of the course will address cross-disciplinary concerns such as working with other professionals and using social science to assist a client. Additionally, the course will focus on child development and the particular ethical concerns involved with the representation of children.

Note: This course requires off premises travel. The student is responsible for travel to and from the sites.

**LAW 7813 Child Advocacy Clinic II** Spring. 4 credits. S-U or letter grade.

Prerequisite: permission of the instructor; Child Advocacy Clinic I

A. J. Mooney. Limited enrollment.

Students in Clinic II will:

- 1) work directly on law guardian cases, taking greater responsibility and working more independently than they are able to in the Child Advocacy Clinic;
- 2) develop a more in-depth knowledge of the field of child advocacy by participating in a weekly reading group;
- 3) act as mentors for students in the Child Advocacy Clinic, answering simple questions and providing emotional support for students who are often encountering, for the first time in their lives, stark poverty and violence;
- 4) act as liaisons between the students in the Child Advocacy Clinic and the instructor, helping to identify areas in which the Clinic students need further instruction;
- 5) act as teaching assistants, reviewing work products of the Clinic students and assisting them in locating research, formbooks, and samples of court documents.

**LAW 7833 Criminal Defense Trial Clinic** Fall. 4 credits. S-U or letter grade.

Prerequisite: permission of the instructor; Evidence recommended or with permission of instructor.

L. Salisbury. Limited enrollment.

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

Note: This course requires off premises travel. The student is responsible for travel to and from the sites.

**LAW 7831-2 Full-Term Externship** Fall, Spring. 12 credits. S-U only.

Prerequisite: permission of the instructor.

G. G. Galbreath. Limited enrollment.

The Full-Term Externship course allows students to earn 12 credit hours as externs working full time at approved placement sites (most are with non-profit organizations or governmental agencies) during the fall or spring semester of their third year or the spring semester of their second year. A written application for the course must be submitted to the instructor and approved during the semester preceding the semester the student plans to participate. The student must be supervised/mentored by an attorney and engage in meaningful and "attorney-like" work at the placement which furthers the student's education and career goals. In addition to his or her work responsibilities for the placement, the extern will prepare weekly journal entries, engage in regular electronic communication with the other extern and instructor, host the instructor for a site visit, and do a written evaluation of the placement experience.

Note: This course requires off premises travel. The student is responsible for travel to and from the sites.

**LAW 7801 Immigration Appellate Law and Advocacy Clinic** Spring. 4 credits. S-U (with permission of instructor only) or letter grade.

Prerequisite: permission of the instructor.

S. Kalantry, S. W. Yale-Loehr. Limited enrollment.

Students will learn asylum and Convention Against Torture law and immigration and appellate procedure in class lectures. In the practice component of the clinic, students will develop skills such as brief-writing, interviewing, fact-finding and legal researching. Some 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. Other students in the class may work on advocacy projects involving drafting proposed legislation, advocating for immigration reform, or other advocacy work around emerging issues in immigration such as prolonged detention and unconstitutional raids. Students may interview clients over the phone during this time, with the possibility of face-to-face interviews. Some clients may be incarcerated, and many will be out-of-state. Students may also locate expert and other witnesses, and draft affidavits and motions.

This course may require off premises travel.

**LAW 7855 International Human Rights Clinic** Fall, Spring. 4 credits. Letter grade. S-U (with permission of instructor only).

Prerequisite: permission of the instructor; International Human Rights and Public International Law recommended.

S. Kalantry. Limited enrollment.

In this clinic students will learn substantive human rights law as well as human rights lawyering and advocacy skills. Students will learn to describe issues in human rights terms, formulate demands using human rights accountability tools, and develop strategies that utilize key features of human rights law. Students will develop their international research and writing, and communication skills by working in teams on projects for international organizations and judges. The projects may involve legal action such as impact litigation, legal assistance and counseling, or fact-finding and reporting or human rights education and training, including judicial training.

This course may require off premises travel.

**LAW 7861 Judicial Externship** Fall. 4, 5 or 6 credits. S-U or letter grade.

Prerequisite: permission of the instructor.

G.G. Galbreath. Limited enrollment.

Students work part time with a trial or appellate state or federal judge in central New York. Work involves courtroom observation, conferences with the judge and law clerk(s), research and writing memoranda and drafting decisions. Emphasis is on learning about judges, judicial decision making and trials or appeals. There are weekly class sessions with readings and discussions of topics related to the externship experience. While the primary focus of the course is the student's work at the court placement, each student will also do class presentations, weekly journal entries, provide written work samples and meet individually with the instructor.

Note: The course requires travel to the placement court. Some are within walking distance and some are over an hour away. The student must arrange for her/his own transportation.

**LAW 7871 Labor Law Clinic** Spring. 4 credits. S-U or letter grade.

Prerequisite: permission of the instructor; preference is given to students who have taken Labor Law. It is helpful to

have taken Administrative or Employment Law, but not required.

A. Cornell. Limited enrollment.

The Labor Law Clinic will provide students a practical opportunity to learn labor law, while making meaningful contributions to the labor movement and working people. This clinic will combine a substantive component with practical experience. Students will advise labor unions on a variety of legal issues that surface during the semester and may have the opportunity to represent unions in different forums. Students will communicate directly with union representatives and will be required to sort through the facts, research the issues, and provide information and advice. Students will routinely draft legal memoranda, prepare and file pleadings and briefs as required. Students may have the opportunity to represent unions at hearings, mediation or arbitration. Students may also be required to observe a hearing before the National Labor Relations Board, Public Employment Relations Board or an arbitration. Students have also been invited to observe the collective bargaining process.

A small number of students will have the opportunity to dedicate their clinical time to international labor law. Interested students can support the ongoing work of the International Commission for Labour Rights, a non-profit organization, or a global union federation with ongoing cases or projects. Student contribution in this area is likely to be research oriented.

Note: This course may require off premises travel. Please contact the professor if this is an obstacle.

**LAW 7872 Land Use, Development and Natural Resource Protection Clinic** Spring. 4 credits, S-U or letter grade.

Prerequisite: permission of the instructor; Land Use and/or Water Law Clinic recommended.

K. S. Porter, C. G. Bowman. Limited enrollment.

Issues of how land use and development may be managed to control, protect and conserve natural resources, particularly water, are coming to the forefront of national and international policy. Land use policy is fundamental to both economic development and the protection of natural resources. The rich and complex body of law that balances often-competing needs of different stakeholders involves areas of law as diverse as land use, real estate, property, tax, contract, tort, local government, and water and environmental law. Often, even when stakeholders share a uniform vision, the transaction costs involved in executing alternative development plans are prohibitively high. This clinic provides students with the opportunity to work hands-on to identify, design and implement economically and politically viable solutions to environmental problems arising from land use decisions. Participating students will assist clients such as developers, government agencies, community leaders, and public interest groups with a wide range of services. An increasingly critical concern is the role of land use and development on the quantity and quality of water resources. Potential projects include drafting/reviewing municipal ordinances and inter-municipal agreements; consulting on design parameters for development sites (i.e., what type of density is possible, what type of variances are available); drafting petition/explanatory documents for clients who wish to obtain variances; resolving compliance issues with state and local laws; and attending meetings and advocating for clients. Because this clinic offers a great variety of transactional work, it will be of benefit to most students who are interested in transactional practices, particularly those interested in a career in real estate, land use, finance, general practice, and environmental law.

Note: This course requires off premises travel. The student is responsible for travel to and from the sites.

**LAW 7881 Law Guardian Externship** Fall, Spring. 4 credits. S-U or letter grade.

Prerequisite: permission of the instructor.

A. J. Mooney. Limited enrollment.

Students are placed at Citizens Concerned for Children, the local Law Guardian Office, where they assist the attorneys in the representation of children in abuse and neglect cases, juvenile delinquency proceedings, and PINS (Person in Need of Supervision) cases. Students also may have their own cases, in which they will assume primary responsibility for the representation. Duties may include interviewing, investigation, drafting memoranda and motions, and trial preparation. There will be several meetings with the instructor during the semester. Bi-weekly journals are also required.

Note: This course requires off premises travel. The student is responsible for travel to and from the sites.

**LAW 7901 Legislative Externship** Spring. 3 credits. S-U or letter grade.

Prerequisite: Students selected by Assemblywoman Lifton.

B. Strom. Limited enrollment.

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

require legal research of an explanation of law. The emphasis is on learning about legislative process, drafting of legislation, understanding the reasons for statutory ambiguity, and developing various skills. There are several informal meetings with the faculty supervisor related to the externship experience.

Note: This course requires off premises travel. The student is responsible for travel to and from the sites.

**LAW 7911-2-3 Neighborhood Legal Services Externship 1, 2 or 3** Fall, Spring. 4 credits. S-U or letter grade.

Prerequisite: permission of the instructor.

B. Strom. Limited enrollment.

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

Note: This course requires off premises travel. The student is responsible for travel to and from the sites.

**LAW 7921 Prosecution Trial Clinic** Fall. 4 credits. S-U or letter grade.

Prerequisite: Evidence or permission of instructor. Interested students will need to submit a statement of interest and resume to Prof. Robert Sarachan by July 15, 2009.

R. A. Sarachan. Limited enrollment.

This course gives students the opportunity to prosecute non-felony non-jury trials in Ithaca City Court. The course has both a classroom component and a courtroom component.

The classroom component involves lecture, discussion and trial simulation exercises. Topics include criminal law and procedure, prosecution ethics, trial strategy and preparation, trial conduct including direct and cross-examination, plea-bargaining and professional judgment.

The courtroom component involves regular attendance at Ithaca City Court's non-jury terms. Students will observe and critique trials and will prosecute offenses including traffic tickets (such as speeding and running a red light), city code violations (such as open container and noise offenses), non-felony penal law violations (such as disorderly conduct, possession of marijuana) among others. Each student will be expected to conduct multiple trials during the semester, depending on docket volume.

During the semester students will also be expected to prepare witnesses (typically police officers), conduct plea-bargaining negotiations, case research and fact investigation, respond to discovery demands, and engage in motion practice and appellate practice as needed.

Note: This course requires off premises travel. The student is responsible for travel to and from the sites.

**LAW 7931 Public Interest Clinic 1** Fall, Spring. 4 credits. S-U or letter grade.

Prerequisite: permission of the instructor.

G.G. Galbreath, B. Strom. Limited enrollment.

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

Note: This course may require travel for purposes of participating in hearings.

**LAW 7932 Public Interest Clinic 2** Fall. 4 credits. S-U or letter grade.

Prerequisite: permission of the instructor; Public Interest Clinic 1 or a clinic course that included the Clinical Skills 1 classroom component.

G.G. Galbreath., B. Strom. Limited enrollment.

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

Skills 1.

Note: This course may require travel for purposes of participating in hearings.

**LAW 7933 Public Interest Clinic 3** Spring. 4 credits. S-U or letter grade.

Prerequisite: permission of the instructor; Public Interest Clinic 1 or a clinic course that included the Clinical Skills 1 classroom component.

G.G. Galbreath, B. Strom. Limited enrollment.

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

Note: This course may require travel for purposes of participating in hearings.

**LAW 7920 Real Estate Litigation Clinic** Spring. 3 credits. S-U or letter grade.

Prerequisite: permission of the instructor.

E. Penalver. Limited enrollment.

Students will help prepare and file an appeal in a property-related lawsuit filed against Norfolk Southern Railway in New York state court on behalf of a group of homeowners in Lansing, New York. Students will help prepare the record for appeal and assist in the research and drafting of the appeals briefs. The course will be limited to 3 students, selected on the basis of academic strength as well as demonstrated interest in property and land use issues. Those interested should submit a resume, transcript, and brief statement (no more than 1 page) to Prof. Peñalver.

**LAW 7953-4-5 Securities Law Clinic 1, 2 and 3** Fall, Spring. 4 credits. S-U or letter Grade.

Prerequisite: permission of the instructor. Pre- or co-enrollment in Securities Regulation or Dispute Resolution recommended but not required.

W. A. Jacobson. Limited enrollment.

The course will focus on fundamental investigatory and advocacy skills applicable to representation of public investors in disputes subject to arbitration at the Financial Industry Regulatory Authority (f/k/a National Association of Securities Dealers), with particular attention to the elderly and to small investors. Substantive legal topics will include the scope and nature of binding arbitration under the Federal Arbitration Act and New York law, and the legal and regulatory remedies available to defrauded investors. Coursework will include training in skills such as interviewing potential clients, evaluating potential claims, preparing pleadings, conducting discovery, representing clients at hearings and negotiating settlements. Class work will include presentations by nationally-recognized experts on topics applicable to evaluation of securities accounts, trading, and products. Students will have the opportunity under faculty supervision to represent investors, to provide public education to community groups as to investment frauds, to draft position statements to regulatory authorities, and/or to participate in preparing amicus briefs, in support of public investors.

Note: This course may require off premises travel for potential client and witness interviews, hearings, and community presentations. Assistance will be provided to students who lack available transportation.

**LAW 7951-2 US Attorney's Office Clinic 1 or 2** Fall, Spring. 6 credits. S-U only.

Registration for the fall offerings was handled by the US Attorney's Office in February 2009 and the spring offering will be done in September 2009.

C. E. Roberts. Limited enrollment.

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

Students must be a U.S. citizen. A detailed course description is available at:

<https://support.law.cornell.edu/students/forms/ClinicalCoursesAndExternshipsDescriptions.pdf>

Note: This course requires off premises travel. The student is responsible for travel to and from the sites.

**LAW 7961 Water Law in Theory and Practice 1** Fall. 4 credits. S-U or letter grade.

Prerequisite: permission of the instructor.

K. S. Porte, C. G. Bowman. Limited enrollment.

Competing uses of water resources pose high stakes. Serious conflicts now arise with increased frequency. There is growing necessity for effective legal instruments and methods of conflict resolution to avert or resolve disputes. The Clinic addresses problems of law related to water through collaboration, consultation, relevant research and writing. This involves selecting and working on a topic, or a dispute, of local, regional, national or international importance with leaders and experts having knowledge or involvement in the issues of the topic. A specific purpose of the clinic is to provide real world transactional experience particularly in resolving or avoiding disputes. Students have available for their projects the extensive network of resources initially established through the New York State Water Resources Institute based at Cornell University.

Under faculty supervision, each student selects a project on a topic or dispute of theoretical and practical legal importance. Students consult and work with attorneys, professional staff and stakeholders engaged in work to which the project applies. Projects generally involve the following steps:

Identifying and defining the problem or dispute; formulating a procedure for the project including prospective cooperators and “clients”; developing a basic understanding of the legal issues and applicable methods through the relevant literature and documents; participating in on and off-campus meetings, and field trips; obtaining assistance, as relevant, of faculty in the various Colleges and Departments at Cornell University. (Cornell University is preeminent in its faculty and staff resources with interests in the multiple aspects of water and land resource management.); presenting the progress and results of their project to interested groups and clients, and to the class.

Note: This course requires off premises travel. The student is responsible for travel to and from the sites.

### **Non-Professional Courses-Not Open to Law Students**

**LAW 4021 Competition Law and Policy** Fall. 4 credits. Letter grade only.

G. A. Hay

This course will examine issues that arise when a country attempts to implement and maintain a “competition policy” as a way of promoting economic growth and efficiency. The basic reading material will start with actual cases (most of them arising under U.S. antitrust law), and use those cases to probe the legal, economic and broad policy issues that the cases raise. This course is intended for non-law students; law students interested in the subject should take the Antitrust Law course. The course requires no legal training or background. Economics 101 (Elementary Microeconomics) or its equivalent is a prerequisite. The course can be used by Economics majors as an equivalent to a 400-level Economics course.

**LAW 4051 The Death Penalty in America** Spring. 4 credits. S-U grade option available.

J. H. Blume, S. L. Johnson. Undergraduates only.

The death penalty has gotten increased media attention due to high profile death row exonerations, and has long been under siege for other reasons, such as racial disparities in its imposition and the prevalence of very poor representation by defense counsel. This course surveys the legal and social issues that arise in the administration of the death penalty. The reading will be largely comprised of reported death penalty cases, but will be augmented by a variety of other sources, including empirical studies of the death penalty and the litigation experience of the professors. Although the focus will be on capital punishment as practiced in the United States, we will also consider international and comparative perspectives. Guest speakers will provide a range of views, and law students with experience working on capital cases will lead discussion sections.

**LAW 4121 Gender, Public Policy, and Law** Fall. 4 credits. S-U or letter grade.

C. G. Bowman. Undergraduates only.

The course will include, first, a brief introduction to the history of the women’s movement in the United States and to the development of the constitutional standard for gender, followed by a sampling of the competing theoretical approaches that can be taken to legal problems involving gender—a formal equality approach, the dominance approach (exemplified by Catharine MacKinnon), relational or cultural feminism (a “differences” approach represented in the legal academy by Robin West and Mary Becker), socialist feminism, pragmatic feminism, and critical race feminism. After the constitutional and theoretical foundations have been laid, we will study a series of issues and issue areas where gender is critical to legal treatment—reproduction (abortion, surrogate motherhood and

other reproductive technologies, for example), rape, domestic violence, prostitution, pornography, cohabitation, same-sex marriage, and other family law issues. We will both study how these issues are treated under current law and discuss what might be better approaches to each.

In order to introduce students to the study of law, we will be using a textbook used in law school courses, Becker, Bowman, Nourse, and Yuracko, *Feminist Jurisprudence: Taking Women Seriously* (3d ed. 2007). No prior knowledge of legal analysis or concepts will be presumed. Requirements: two short (5-page) papers and a final exam.

**LAW 4131 Government (3131) The Nature, Functions, and Limits of Law** Fall. 4 credits. Letter grade only.

A. Riles. Undergraduates only.

A general-education course for students at the sophomore and higher levels. The course will introduce students to different perspectives on what law is, what role it ought to play in society, and what it can—and cannot—accomplish. In addressing these questions, students will consider the different roles of legislatures, courts, and executives. Assigned readings consist of case law, commentaries on the legal process, social scientific articles, and works of literature addressing the role of law in society.