In the course and seminar descriptions that follow, the description is followed by the quarter(s) in which it is taught and the instructor name(s). More up-to-date course information is available on the Law School web page at http://www.law.uchicago.edu/courses. The course descriptions below, however, provide a representative overview of the curriculum.

**FIRST YEAR COURSES**

**Civil Procedure I**
Civil Procedure is offered in two parts. Part I meets in the Autumn Quarter and addresses the mechanics of civil litigation, with special reference to pleading, discovery, and trial, including the respective roles of judge and jury. Part II is offered in the Spring Quarter and focuses on the study of the power of particular courts to decide cases (subject matter jurisdiction); jurisdiction of the courts over the person or things before them; the scope and effect of judgments; principles of finality of judgments; and the rules governing joinder of claims and parties. The student's grade is based on an examination given at the end of each quarter.

*Autumn 2010 - Douglas Baird*

**Civil Procedure II**
Civil Procedure is offered in two parts. Part I meets in the Autumn Quarter and addresses the mechanics of civil litigation, with special reference to pleading, discovery, and trial, including the respective roles of judge and jury. Part II is offered in the Spring Quarter and focuses on the study of the power of particular courts to decide cases (subject-matter jurisdiction); jurisdiction of the courts over the person or things before them; the scope and effect of judgments; principles of finality of judgments; and the rules governing joinder of claims and parties. The student's grade is based on an examination given at the end of each quarter. Make-up sessions: April 26 for April 28 and May 3rd for May 5th.

*Spring 2011 - Richard A Epstein*

**Civil Procedure II**
Civil Procedure is offered in two parts. Part I meets in the Autumn Quarter and addresses the mechanics of civil litigation, with special reference to pleading, discovery, and trial, including the respective roles of judge and jury. Part II is offered
in the Spring Quarter and focuses on the study of the power of particular courts to
decide cases (subject-matter jurisdiction); jurisdiction of the courts over the person or
things before them; the scope and effect of judgments; principles of finality of judg-
ments; and the rules governing joinder of claims and parties.
The student’s grade is based on an examination given at the end of each quarter.
Spring 2011 - Adam Cox

Contracts
This course, offered over two sequential quarters, is an introduction to commercial and
consumer law and lays the foundation for advanced study in commercial transactions,
corporations, restitution, consumer credit, insurance, labor and employment law, and
investment securities. Substantively, the Contracts course deals with how contracts
are formed, which contracts are valid, when a contract has been breached and the
various remedies for breach, including damages, specific performance, and restitu-
tion. The course is also designed to introduce the student to legal methodology and to
compare the common law with the techniques of statutory interpretation, particularly
in connection with the Uniform Commercial Code.
The student’s grade is based on a single final examination.
Autumn 2010 - Omri Ben-Shahar

Contracts
This course, offered over two sequential quarters, addresses the enforceability and
interpretation of contractual arrangements, sanctions for their breach, and justifica-
tions or excuses for nonperformance. Special attention will be paid to the role of
nonlegal sanctions in commercial relationships.
The student’s grade is based on a single final examination.
Winter 2011 - Eric Posner

Contracts
This course, offered over two sequential quarters, addresses the enforceability and
interpretation of contractual arrangements, sanctions for their breach, and justifica-
tions or excuses for nonperformance. Special attention will be paid to the role of
nonlegal sanctions in commercial relationships.
The student’s grade is based on a single final examination.
Winter 2011 - Eric Posner
Criminal Law
This course, offered over two sequential quarters, addresses the doctrines of criminal liability and the moral and social problems of crime. The definitions of crimes and defenses are considered in light of the purposes of punishment and the role of the criminal justice system, including police and correctional agencies.
The student's grade is based on class participation and a single final examination.
Autumn 2010 - Jonathan Masur

Criminal Law
This course, offered over two sequential quarters, addresses the doctrines of criminal liability and the moral and social problems of crime. The definitions of crimes and defenses are considered in light of the purposes of punishment and the role of the criminal justice system, including police and correctional agencies.
The student's grade is based on class participation and a single final examination.
Winter 2011 - Thomas Miles

Criminal Law
This course, offered over two sequential quarters, addresses the doctrines of criminal liability and the moral and social problems of crime. The definitions of crimes and defenses are considered in light of the purposes of punishment and the role of the criminal justice system, including police and correctional agencies.
The student's grade is based on class participation and a single final examination.
Autumn 2010 - Richard McAdams

Criminal Law
This course, offered over two sequential quarters, addresses the doctrines of criminal liability and the moral and social problems of crime. The definitions of crimes and defenses are considered in light of the purposes of punishment and the role of the criminal justice system, including police and correctional agencies.
The student's grade is based on class participation and a single final examination.
Winter 2011 - Richard McAdams

Elements of the Law
This course examines certain issues that occur in many different areas of the law and considers the relationship between these issues and comparable questions in other fields of thought, such as moral and political philosophy, economics, and political theory. The subjects for discussion include the nature of, and justification for, reasoning from precedent; the meaning of such notions as consent, coercion, and voluntary choice; the decision whether to impose rules or allow discretion; the problems of interpreting statutes and other authoritative texts; and the objective or subjective nature of moral judgments.
The student's grade is based on a final examination.
Autumn 2010 - David A Strauss

Elements of the Law
This course examines certain issues that occur in many different areas of the law and considers the relationship between these issues and comparable questions in other fields of thought, such as moral and political philosophy, economics, and political theory. The subjects for discussion include the nature of, and justification for,
reasoning from precedent; the meaning of such notions as consent, coercion, and voluntary choice; the decision whether to impose rules or allow discretion; the problems of interpreting statutes and other authoritative texts; and the objective or subjective nature of moral judgments.

The student’s grade is based on a final examination.

Autumn 2010 - Rosalind Dixon

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.

Autumn 2010 - Anthony Niblett

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.

Winter 2011 - Anthony Niblett

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.

Spring 2011 - Anthony Niblett

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.

Autumn 2010 - Naomi Shoenbaum
Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.
Winter 2011 - Naomi Shoenbaum

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.
Spring 2011 - Naomi Shoenbaum

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.
Autumn 2010 - Matthew Tokson

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.
Winter 2011 - Matthew Tokson

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.
Spring 2011 - Matthew Tokson
Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.
Autumn 2010 - Anthony Casey

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.
Winter 2011 - Anthony Casey

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.
Spring 2011 - Anthony Casey

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.
Autumn 2010 - Julia Simon-Kerr

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of
the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.

Winter 2011 - Julia Simon-Kerr

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.

Spring 2011 - Julia Simon-Kerr

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.

Autumn 2010 - Andres Sawicki

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.

Winter 2011 - Andres Sawicki

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.

Spring 2011 - Andres Sawicki

Legal Research and Writing
All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer’s regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.

Property
This course, offered over two sequential quarters, provides an introduction to the legal relationships that arise out of or constitute ownership of property. Subjects covered may include, but are not limited to, such areas as the initial acquisition of rights in
real and personal property, the nature of ownership of natural resources, the various
types of concurrent and successive interests in land, and restraints on alienation. The
course will also deal with the law relating to easements and covenants, landlord and
tenant, and conveyancing.
The students grade is based on a single final examination.
Winter 2011 - Richard Helmholz

**Property**

This course, offered over two sequential quarters, provides an introduction to the legal
relationships that arise out of or constitute ownership of property. Subjects covered
may include, but are not limited to, such areas as the initial acquisition of rights in
real and personal property, the nature of ownership of natural resources, the various
types of concurrent and successive interests in land, and restraints on alienation. The
course will also deal with the law relating to easements and covenants, landlord and
tenant, and conveyancing.
The students grade is based on a single final examination.
Winter 2011 - Lee Fennell

**Property**

This course, offered over two sequential quarters, provides an introduction to the legal
relationships that arise out of or constitute ownership of property. Subjects covered
may include, but are not limited to, such areas as the initial acquisition of rights in
real and personal property, the nature of ownership of natural resources, the various
types of concurrent and successive interests in land, and restraints on alienation. The
course will also deal with the law relating to easements and covenants, landlord and
tenant, and conveyancing.
The students grade is based on a single final examination.
Spring 2011 - Lior Strahilevitz

**Torts**

The focus of this course, offered over two sequential quarters, is on the Anglo-Amer-
ican system (mainly judge-created) of liability for personal injury to person or prop-
erty. Special stress is laid on the legal doctrines governing accidental injury, such as
negligence and strict liability, assumption of risk, and the duty requirement. The rules
for determining damages in personal-injury cases are discussed. Alternative theories
of tort liability, e.g., moral and economic, are compared.
The student’s grade is based on a single final examination.
Winter 2011 - Lee Fennell
**Torts**

The focus of this course, offered over two sequential quarters, is on the Anglo-American system (mainly judge-created) of liability for personal injury to person or property. Special stress is laid on the legal doctrines governing accidental injury, such as negligence and strict liability, assumption of risk, and the duty requirement. The rules for determining damages in personal-injury cases are discussed. Alternative theories of tort liability, e.g., moral and economic, are compared. The student’s grade is based on a single final examination.

Spring 2011 - M. Todd Henderson

Torts

The focus of this course, offered over two sequential quarters, is on the Anglo-American system (mainly judge-created) of liability for personal injury to person or property. Special stress is laid on the legal doctrines governing accidental injury, such as negligence and strict liability, assumption of risk, and the duty requirement. The rules for determining damages in personal-injury cases are discussed. Alternative theories of tort liability, e.g., moral and economic, are compared. The student’s grade is based on a single final examination.

Winter 2011 - Jacob Gersen

Torts

The focus of this course, offered over two sequential quarters, is on the Anglo-American system (mainly judge-created) of liability for personal injury to person or property. Special stress is laid on the legal doctrines governing accidental injury, such as negligence and strict liability, assumption of risk, and the duty requirement. The rules for determining damages in personal-injury cases are discussed. Alternative theories of tort liability, e.g., moral and economic, are compared. The student’s grade is based on a single final examination.

Spring 2011 - Saul Levmore

**COURSES**

**Academic Freedom**

This seminar will explore the history, jurisprudence, and controversies surrounding the rights of students, teachers, and scholars. We will consider academic freedom—that is, the liberty to inquire, write, teach, and speak, whether arising from the Constitution or professional norms—primarily in the context of colleges and universities, though we’ll also examine some related problems and controversies over student speech in high school. The course will be structured around several overarching questions: (1) Are educational institutions a special preserve of the First Amendment, with unique rationales for autonomy and protection, or are teaching, research, and governance subject to the same constitutional analysis as any other expression? (2) To whom does academic freedom “belong,” the institution or the individual teacher or student? (3) How should educational institutions (public or private) balance respect for individual inquiry and expression with their historical traditions, needs of the curriculum, and values of community and diversity? (4) Does academic freedom justify deference
to universities’ decision making processes, not only in the assessment of academic work but in such areas as admissions, tenure, regulation of student life, and funding of student activities?

A prior or concurrent course on First Amendment law would be helpful but is not required. Grading will be based on a major paper and several short reaction papers.

Winter 2011 - Steve Sanders

**Administrative Law**

This course examines the structure of the administrative state, its relations to the other branches of government and private citizens, and the constitutional, statutory, and common law rules that govern the substance and procedure of administration action and inaction. The course focuses on some constitutional topics, including the non-delegation doctrine, presidential control over administrative agencies, and the delegation of adjudicative authority to non-Article III officers. Substantial attention is given to the Administrative Procedure Act (APA) and other statutory requirements for lawful agency action. Covered topics include the proper role of agencies in interpreting statutory and regulatory law; judicial review of agency decisions; public participation in agency rulemaking; and non-traditional approaches to regulation, including negotiation and privatization. A central theme of the course is how the law manages the tension between rule of law values (e.g., procedural regularity, accountability, and substantive limits on arbitrary action) and the desire for flexible, effective administrative governance.

The student's grade is based on a final examination.

Autumn 2010 - Jonathan Masur

**Advanced Antitrust**

Selected topics, with emphasis on high-tech industries, comparative antitrust law, economic policy, and institutional, remedial, and procedural aspects of antitrust law, both U.S. and foreign.

The Winter Antitrust course is a prerequisite. Students who have completed Professor Picker's Antitrust course may attend this class, but instead of registering for it, they would register for an independent study and write a paper.

Spring 2011 - Andrew Rosenfield

**Advanced Contracts: Sales, a Practice Oriented Approach**

This course provides a practical approach to understanding the law of sales embodied in Article 2 of the Uniform Commercial Code. The course involves intensive class participation, a moot court argument, client advising, negotiating an agreement with a classmate, and learning the advanced legal research techniques needed to develop the factual record in a case.

The course is designed to be a bridge between law school and practice. As a consequence, there is no exam. Rather, students write short papers for almost every class, culminating in the preparation of a commercial sales agreement.

Winter 2011 - Lisa Bernstein

**Advanced Corporations: Mergers and Acquisitions**

This course explores the legal and business aspects of corporate mergers and acquisitions, with a particular emphasis on the corporate law, securities law, accounting, finance, tax and antitrust issues arising in connection with such transactions. The
The Law School course develops the skills necessary to understand complex merger and acquisition transactions through the study of legal cases, business case studies, transaction documents and statutory provisions.

Corporation Law/Business Associations I is a pre-requisite. Advanced Corporations: Mergers and Acquisitions and Business Associations is not open to students who have taken, or are currently taking, Business Associations II (LAWS 42304). LL.M. students, and J.D. students with instructor permission, may take Corporation Law concurrently. Participation in a team simulation exercise is required.

Autumn 2010 - Alicia Davis

Advanced Law and Economics: Theory and Practice

This seminar examines theoretical and empirical work in the economic analysis of law, with an emphasis on the study of legal practice itself. Students will develop formal models of litigant and judicial behavior as well as evaluate empirical studies of the courts.

Familiarity with elementary mathematical methods for economics is expected (i.e., ECON 200, MATH 195, or equivalent). Grades will be based on class participation and short papers analyzing topics raised in class.

Spring 2011 - William Hubbard

Advanced Legal Research

The purpose of this course is to enhance students’ knowledge of legal sources and to develop their ability to research the law. The course will cover the basic categories of legal research in depth and with a focus on practical skills and efficiency, including statutes, administrative law, legislative history, cases, and secondary sources. This course also will address a series of practice areas such as corporate and securities, tax, transactional, federal procedure, and intellectual property, focusing on the substantive resources and practical research skills for each. Upon successful completion of the course, students will expand their understanding of research resources in a variety of areas, will improve their skills in using legal research tools, and will develop extensive research knowledge in at least one area from their work on a final research paper.

The course will be limited to twenty-five students with priority to third years. To receive credit for this course, students must complete several research assignments (30 percent of grade), submit a research paper on a topic approved by the instructor (60 percent of grade), and attend and participate in course meetings (10 percent). Students may earn either one or two credits for this course depending upon the number of research assignments completed, their class participation/attendance, and the length of their final paper. In the research paper, the student should extensively and comprehensively address sources for researching the topic, discuss successful and less useful techniques, and recommend research strategies.

Autumn 2010 - Sheri Lewis

Advanced Legal Research

The purpose of this course is to enhance students’ knowledge of legal sources and to develop their ability to research the law. The course will cover the basic categories of legal research in depth and with a focus on practical skills and efficiency, including statutes, administrative law, legislative history, cases, and secondary sources. This course also will address a series of practice areas such as corporate and securities, tax,
transactional, federal procedure, and intellectual property, focusing on the substantive resources and practical research skills for each. Upon successful completion of the course, students will expand their understanding of research resources in a variety of areas, will improve their skills in using legal research tools, and will develop extensive research knowledge in at least one area from their work on a final research paper. The course will be limited to twenty-five students with priority to third years. To receive credit for this course, students must complete several research assignments (30 percent of grade), submit a research paper on a topic approved by the instructor (60 percent of grade), and attend and participate in course meetings (10 percent). Students may earn either one or two credits for this course depending upon the number of research assignments completed, their class participation/attendance, and the length of their final paper. In the research paper, the student should extensively and comprehensively address sources for researching the topic, discuss successful and less useful techniques, and recommend research strategies.

**Advanced Legal Writing**

This course will prepare law students for the working world by honing writing skills for briefs, memoranda, motions and contracts. We will discuss and practice the major principles of legal writing in plain English -- no jargon, no legalese, no anachronistic fluff. In addition to fine-tuning basic and more advanced writing skills, students will learn how to use their writing to win arguments, persuade clients and sharpen their own thinking. The class will function largely as a workshop where we analyze the impact of various writing styles. Regular attendance is essential. Through exercises and group critiques, students will learn to write more succinctly and effectively. Better writers make better lawyers.

Winter 2011 - Elizabeth Duquette

**Advanced Torts: Economic Interests**

This seminar examines several advanced topics that the first-year torts sequence does not cover. A common theme of the causes of action discussed in the seminar is that they protect economic interests. Specific topics include interference with economic interests (both intentional and unintentional), misrepresentation, unfair competition, and abuse of the legal process. The readings consist of a mix of judicial opinions and scholarly commentary. Students write blog posts on the readings and comment on posts by other students.

The student’s grade is based on class and blog participation. The blog postings do not fulfill one of the substantial writing requirements.

Spring 2011 - Thomas Miles

**Advanced Trademarks and Unfair Competition**

This seminar addresses current issues and developments such as the constitutional foundations and limitations of trademark protection; domain names and cybersquatting; the geographic scope of trademark rights; empirical proofs and elusive harms;
dilution, property rights, and misappropriation; the proliferation of subdoctrines; configuration, functionality, and secondary meaning; parody and commercial speech; and the right of publicity. Trademarks and Unfair Competition are a prerequisite for the seminar. Enrollment is limited to twenty-five students. A student’s grade is based on class participation and either a series of thought papers for two credits, or a series of short papers totaling at least 25 pages or a major research paper, both for three credits. Winter 2011 - David Hilliard, Uli Widmaier, Chad Doellinger

Agency and Partnership Law
Like the law of contracts, agency law principles are basic to an understanding of our legal system and are applied in many other areas of the law. This course will examine the law of agency and the law of partnerships, agency principles being a cornerstone of partnership law. We will emphasize business and commercial contexts, and will also consider some commonly used variants of general partnerships such as limited partnerships and limited liability companies. A prior course in corporations or business organizations is recommended by not required. The grade in the course will be based on classroom participation and a written final examination. Winter 2011 - Robert Berger

American Law and the Rhetoric of Race
This course presents an episodic study of the ways in which American law has treated legal issues involving race. Two episodes are studied in detail: the criminal law of slavery during the antebellum period and the constitutional attack on state-imposed segregation in the twentieth century. The case method is used, although close attention is paid to litigation strategy as well as to judicial opinions. Grades are based on class participation and a final examination. Spring 2011 - Dennis J Hutchinson

American Legal History, 1607-1870
This survey course examines major themes and interpretations in the history of American law and legal institutions from the earliest European settlements through the Civil War. Topics include continuity and change between English and American law in the colonial period, the American Revolution and its legal consequences, changing understandings of the U.S. Constitution, the legal status of women and African Americans, federalism, commerce, slavery, and the constitutional and legal consequences of the Civil War and Reconstruction. The student’s grade will be based on a take-home final examination and class participation. Spring 2011 - Alison LaCroix

Animal Law
Is there a place for the consideration of the interests of animals in the law? Throughout the quarter, we will examine the historical and current status of animals in our legal system. Students will examine a diverse cross-section of law devoted to the controversial moral, ethical, and public policy considerations germane to efforts to balance the
interests of animals and those of humans. The course is not an animal rights course. Rather, students will be invited to explore whether the law has a place for animals and, if so, where lines ought to be drawn.
Enrollment will be limited to 20 students. The course is graded on regular class attendance, participation, and a final exam.
Spring 2011 - Pamela Alexander

**Art Law**
This seminar examines legal issues in the visual arts including artist’s rights and copyright, government regulation of the art market, valuation problems related to authentication and artist estates, disputes over the ownership of art, illicit international trade of art, government funding of museums and artists, and First Amendment issues as they relate to museums and artists.
The basis of the grade will be class participation and three short papers.
Spring 2011 - William M Landes, Anthony Hirschel

**Asset Based Finance**
This seminar course will be of most interest to students interested in financial transactions as the core of a corporate law practice. There are no pre-requisite courses. The emphasis in this seminar course will be on financings of identified operating assets, principally industrial and infrastructure projects and transportation equipment. These financings will be distinguished from financings of ongoing corporate enterprises, and representative transactions will be studied in depth in order to develop and then focus on selected legal structuring and legal practice issues, including, for example, legal opinions normally delivered at financial closings. Because these financings in practice employ nearly the full range of financial products, from commercial bank loans to capital market instruments, credit supports and derivatives, collateral security, and equity investments, the issues discussed have relevance to a broad range of financial transactions. The class will be discussion oriented; there will be no exam and grades will be based on short papers and class participation. The readings will include selected cases, portions of treatises and academic journals, and rating agency and official publications. One or more guest speakers from the financial community are expected.
Corporation Law is not a prerequisite, but is recommended. Enrollment is limited to twenty-five students.
Autumn 2010 - Martin Jacobson

**Bankruptcy and Corporate Reorganizations: Advanced Issues**
This seminar will focus on a number of cutting-edge issues in modern reorganization practice, including substantive consolidation, critical vendor orders, and bankruptcy remote entities.
Students’ grades are based on in-class presentations and a take-home examination.
Open to non-law students by petition only.
Spring 2011 - Douglas Baird
Behavioral Law and Economics: Selected Topics
This seminar will explore a set of frontiers--issues at the intersection of law and human behavior, including people’s conduct under risk and uncertainty; the commitment to fairness; differences between men and women; social influences and peer pressure; extremism; adaptation; happiness; discrimination; and judicial behavior. Some discussion will be devoted to the uses and limits of paternalism. Grades will be based on class participation and a series of papers or a major paper.
Winter 2011 - Jonathan Masur

Business Associations I
Business Associations I is the first in a two-quarter sequence of courses on the law governing modern business firms. The main focus is on corporations but some attention is paid, less systematically, to partnerships and limited liability associations such as LLCs. The first quarter covers the life cycle of business associations, from formation through operations and dissolution, with particular concern for the obligations of managers and the rights and interests of owners and other stakeholders. Business Associations I is not open to students who have taken, or are currently taking, the Corporation Law course or the Business Organizations course. The student's grade will be based on a proctored final examination.
Autumn 2010 - Joseph Isenbergh

Business Associations II
Business Associations II is the second in a two-quarter sequence of courses on the law governing modern business firms. The main focus is on corporations but some attention is paid, less systematically, to partnerships and limited liability associations such as LLCs. The second quarter is concerned mainly with situations in which control of a firm comes into play: these include mergers and acquisitions along with other situations where control is transferred, abused, or substantially redistributed. The student's grade will be based on a proctored final examination. It is recommended, but not strictly required, to take Business Associations I before taking Business Associations II. This course, like Business Associations I, is not open to students who have taken, or are currently taking, the basic Corporation Law course, Business Organizations or Advanced Corporations: Mergers and Acquisitions.
Winter 2011 - Joseph Isenbergh

Business Associations III: Corporate Governance
This course focuses on current topics in US corporate governance. It adopts primarily an agency-cost perspective, attempting to identify those agency costs that remain in US corporations once the law of fiduciary duty, the constraints of the managerial labor market, and the market for corporate control have done their work. As the materials reveal, there is no consensus about the magnitude of these problems - some view them as significant, others as inconsequential. And, as we will see, still other theorists view the central challenge of corporate governance not as reducing agency costs, but rather as improving the content of corporate decisions by promoting a better flow of information within the firm, putting together more effective management teams and the like. Corporate governance as a separate topic of study is relatively new. It began to get attention in the early 1980's, which is about the time that large institutional investors began to take a more active role in the companies whose shares they held. Over the
past 20 years, institutional share ownership in American Corporations has increased dramatically and is now upwards of 60 percent. As a window on to current issues of concern, we will look particularly closely at the activities and demands of institutional investors. We will look at their explicit public pronouncements on governance as well as the demands they are making. We will attempt to assess whether or not the changes they are demanding are likely to be value-enhancing for all shareholders, or whether they are likely to be singularly well suited to the needs and interests of institutions. We will also ask whether there are forces outside of value creation that might motivate institutions to undertake the actions that they do. The question is not simple. For example, the first widely publicized corporate governance campaign was on the issue of executive pay, more specifically the amount of executive pay. Now, while it is certainly true that executive pay in America is, by all international standards, and to be fair common sense, rather out of control, it is also true that the effect of these exorbitant salaries on the company’s bottom line, translated into a per share amount, is tiny. Why then did institutions find it desirable to spend money on this campaign? Finally, as we begin to explore the topics in this course, we will highlight the tensions between the interests of institutions and the interests of small investors and will explore the effects of collective action and rational apathy problems on governance-related activism and shareholder voting. As we do so we will pay particularly close attention to what, if any, impact the Internet is likely to have on the received wisdom on these subjects. The course materials are designed to promote active discussion and debate. Most sessions will be structured in a seminar format. One will be a mock board of directors meeting. Students will be required to write short papers (2-5 pages) for many class sessions. Some of these papers will focus on answering a direct analytic question posed in the readings, while others will involve more active Internet-based research such as examining and analyzing a particular company’s executive compensation plan, discussing a campaign of institutional shareholder activism, and the like.

Corporation Law or Business Association I is a prerequisite for this class. The Corporation Law/Business Associations I pre-req is waived for LL.M.s and other international students who have taken similar courses abroad. Given the discussion format, class participation will count for 40 percent of the student’s grade. Students who are less comfortable speaking in class may fulfill part of the class participation requirement by cutting out relevant articles from the press and submitting them with short discussions about their implications for the dominant themes of the course.

Spring 2011 - Lisa Bernstein

Business Organizations

This is an introductory course on the law of business organizations. While we will focus primarily on corporate law, we will also cover agency and partnership law and emerging legal entities such as limited liability partnerships and limited liability companies.

The class is not open to students who are taking, or have taken, Business Associations I, Business Associations II or Corporation Law.

Autumn 2010 - Daniel R Fischel
Business Planning
This seminar develops and applies the student’s knowledge of taxation and corporate and securities law in the solution of a series of transactional problems involving typical steps in business formation and rearrangement. The problems include the formation of a closely held company; the transition to public ownership of the corporation; executive compensation arrangements; the purchase and sale of a business; and mergers, tender offers, and other types of combination transactions. Small-group discussions and lectures are employed. The student must have taken (or be taking concurrently) Corporation Law/Business Association I and Taxation of Corporations I or receive instructor approval. The student’s grade is based on a final examination; students may earn an additional credit by writing a paper on a topic approved by the instructors.
Winter 2011 - Keith Crow, Keith Villmow

Business of Law
This course will focus our students’ critical reasoning skills on their own chosen profession through an in-depth and interdisciplinary examination of the business of law. We will analyze the business, how it is changing, and professional development issues that all new lawyers should expect to arise over their long and varied careers. Classes will include guests with expertise in law firm management, client relationship skills, industry trends, and lawyer career development to prompt a robust and candid dialogue from a variety of perspectives. Reading materials will include selected articles, excerpts, and David H. Maister’s influential Managing the Professional Services Firm.
Grades will be based on classroom participation, short reaction papers, and, for those interested in three credits, a longer research paper.
Spring 2011 - Bruce Melton

Buyouts
In this seminar we will examine going private transactions in which publicly held companies are acquired by private equity firms with the participation of the company’s management or by controlling shareholders. This is an especially timely topic because management buyouts have become far more prevalent than they were in the past and controlling shareholder buyouts continue to be controversial. Both types of transactions raise conflict of interest issues because some of the company’s directors or officers, who are ordinarily charged with obtaining as much as possible for public shareholders in a sale transaction, are instead attempting to buy the company for as little as possible. We will examine the methods that Delaware law has provided for dealing with these conflicts of interest, whether those methods are likely to be effective and whether other methods would be more effective. We will also look at a variety of other issues raised by buyouts, including why they occur, whether they are likely to be beneficial to shareholders in spite of the existence of conflicts of interest, the consequences to society of these transactions and the effect of the credit crunch on these transactions. Finally, we will examine the role of the lawyers who are involved in buyouts.
The class size will be limited to 35. There will be one 20-page paper. Grades will be based on the paper and class participation.
Winter 2011 - Scott Davis
China and International Law
What is China’s role in the development of international law? Are China’s political, business, and intellectual leaders embracing or rejecting international law? How do they seek to reshape international law to match their own interests and ambitions, particularly in critical fields such as trade, human rights, the environment, maritime rights, arms control, and the exploration of outer space? This course-seminar explores China’s efforts to join and reform various international regimes, highlighting China’s future impact on world legal and political systems.
Autumn 2010 - Robert Bianchi

Civil Rights Clinic: Police Accountability
The Police Accountability Project (PAP) is a start-up project that began in Fall 2000. The Project’s goals are to enhance police accountability and improve police services in Chicago through a combination of litigation and non-litigation strategies. Through the lens of live-client work, students study the nature of police accountability and misconduct in Chicago and the primary challenges to improving police services. Together, we examine how and where litigation fits into broader efforts to improve police accountability and ultimately our criminal justice system. PAP provides legal representation to indigent victims of police abuse in federal civil rights cases, administrative proceedings, and a limited amount of state criminal litigation. The Project takes on cases that would not ordinarily be brought by the private bar, focusing on those that have potential to raise public consciousness and to facilitate reform. Students work on all aspects of PAP’s litigation, from early case investigation and the filing of a complaint through all pretrial, trial, and appellate advocacy. In addition to its litigation activities, PAP has developed a number of programs and reform-oriented strategies in partnership with a diverse array of community, legal, and law enforcement groups. For example, PAP has formed a partnership with public housing residents in Stateway Gardens, a public housing community just a 10-minute drive away from the Law School, to address police accountability, service, and community relations issues. As with PAP’s litigation activities, students are fully integrated into PAP’s public education, policy reform, and community work. Students are also expected to develop and update PAP’s project manual.
Second-year students wishing to enroll in the Project are required [strongly encouraged] to take Evidence and Criminal Procedure I early in their second year. Constitutional Law III is also recommended. Third-year students are required to complete, prior to their third year, Evidence, Criminal Procedure I, either Pretrial Advocacy or Major Civil Litigation, and either the Intensive Trial Practice Workshop or Trial Advocacy. Enrollment in PAP is limited and preference will be given to students who have taken the Intensive Trial Practice Workshop and Pretrial Advocacy.
Autumn 2010 - Craig Futterman

Civil Rights Clinic: Police Accountability
The Police Accountability Project (PAP) is a start-up project that began in Fall 2000. The Project’s goals are to enhance police accountability and improve police services in Chicago through a combination of litigation and non-litigation strategies. Through the lens of live-client work, students study the nature of police accountability and misconduct in Chicago and the primary challenges to improving police services. Together, we
examine how and where litigation fits into broader efforts to improve police accountability and ultimately our criminal justice system. PAP provides legal representation to indigent victims of police abuse in federal civil rights cases, administrative proceedings, and a limited amount of state criminal litigation. The Project takes on cases that would not ordinarily be brought by the private bar, focusing on those that have potential to raise public consciousness and to facilitate reform. Students work on all aspects of PAP’s litigation, from early case investigation and the filing of a complaint through all pretrial, trial, and appellate advocacy. In addition to its litigation activities, PAP has developed a number of programs and reform-oriented strategies in partnership with a diverse array of community, legal, and law enforcement groups. For example, PAP has formed a partnership with public housing residents in Stateway Gardens, a public housing community just a 10-minute drive away from the Law School, to address police accountability, service, and community relations issues. As with PAP’s litigation activities, students are fully integrated into PAP’s public education, policy reform, and community work. Students are also expected to develop and update PAP’s project manual.

Second-year students wishing to enroll in the Project are required [strongly encouraged] to take Evidence and Criminal Procedure I early in their second year. Constitutional Law III is also recommended. Third-year students are required to complete, prior to their third year, Evidence, Criminal Procedure I, either Pretrial Advocacy or Major Civil Litigation, and either the Intensive Trial Practice Workshop or Trial Advocacy. Enrollment in PAP is limited and preference will be given to students who have taken the Intensive Trial Practice Workshop and Pretrial Advocacy.

Winter 2011 - Craig Futterman

Civil Rights Clinic: Police Accountability

The Police Accountability Project (PAP) is a start-up project that began in Fall 2000. The Project’s goals are to enhance police accountability and improve police services in Chicago through a combination of litigation and non-litigation strategies. Through the lens of live-client work, students study the nature of police accountability and misconduct in Chicago and the primary challenges to improving police services. Together, we examine how and where litigation fits into broader efforts to improve police accountability and ultimately our criminal justice system. PAP provides legal representation to indigent victims of police abuse in federal civil rights cases, administrative proceedings, and a limited amount of state criminal litigation. The Project takes on cases that would not ordinarily be brought by the private bar, focusing on those that have potential to raise public consciousness and to facilitate reform. Students work on all aspects of PAP’s litigation, from early case investigation and the filing of a complaint through all pretrial, trial, and appellate advocacy. In addition to its litigation activities, PAP has developed a number of programs and reform-oriented strategies in partnership with a diverse array of community, legal, and law enforcement groups. For example, PAP has formed a partnership with public housing residents in Stateway Gardens, a public housing community just a 10-minute drive away from the Law School, to address police accountability, service, and community relations issues. As with PAP’s
litigation activities, students are fully integrated into PAP’s public education, policy reform, and community work. Students are also expected to develop and update PAP’s project manual.

Second-year students wishing to enroll in the Project are required [strongly encouraged] to take Evidence and Criminal Procedure I early in their second year. Constitutional Law III is also recommended. Third-year students are required to complete, prior to their third year, Evidence, Criminal Procedure I, either Pretrial Advocacy or Major Civil Litigation, and either the Intensive Trial Practice Workshop or Trial Advocacy. Enrollment in PAP is limited and preference will be given to students who have taken the Intensive Trial Practice Workshop and Pretrial Advocacy.

Spring 2011 - Craig Futterman

Class Action Controversies
This seminar will address the legal principles that govern class action litigation in federal and state courts. The seminar will discuss the requirements of Rule 23, current issues and recent court decisions, legislative modifications to class action practice, constitutional principles applicable to class actions, and the legal, practical, and ethical issues that arise in class actions.
Students will be evaluated based on class participation and their final option. Students have the option of submitting a seminar paper or taking an examination at the conclusion of the quarter. Students wishing to receive a third credit will need to submit additional written work.

Winter 2011 - Michael Brody

Commercial Real Estate Finance
This seminar will consider basic principles of commercial real estate lending, including financing structures, legal issues in lending (including the impact of bankruptcy), sources of debt capital and basic underwriting, principles applied by institutional lenders.
Having Taken Commercial Real Estate Transactions (LAWS 44801) may be helpful, but is not a prerequisite. A student’s grade will be determined by an in-class examination.

Winter 2011 - James Rosenbloom

Commercial Real Estate Transactions
This course examines the legal and business aspects of commercial real estate transactions, including purchase and sale contracts, choice of entity and tax considerations, condition of title and title insurance, survey, warranties, construction lending and construction contracts, and basic financing structures.
The student’s grade is based on a final examination.

Autumn 2010 - Jeffrey Leslie

Comparative Criminal Procedure Seminar
While the substantive criminal laws of most democratic countries are broadly similar, systems of criminal procedure exhibit wide variety across jurisdictions. This seminar will consider constraints on police investigation in various systems; the division of labor between prosecutors, judges and defense counsel; the classic distinctions between the adversarial and inquisitorial models of trial procedure; and systems of lay
participation. We will also evaluate the extent to which criminal procedure rules are converging around the world under the influence of the international human rights regime.

Students will be expected to write a series of short reaction papers, and a longer research paper. Students who wish to write a paper that fulfills the substantial research paper graduation requirement will be able to do so.
Winter 2011 - Richard McAdams, Thomas Ginsburg

Comparative Legal Institutions
This course is designed to examine a range of legal institutions from a comparative and interdisciplinary perspective. It is not a traditional course in comparative law, in that it focuses not so much on particular rules of substantive law but on the structure of different legal systems and the consequences of those structural differences for law and society. Readings will be drawn from legal and social science literature, including works from anthropology, economics, political science and sociology. The course will explicitly cover non-Western legal traditions to an extent not found in conventional comparative law courses. The course will conclude with reflections on what a comparative perspective tells us about American legal institutions.
Course grades will be given on the basis of a take-home written exam, with a small component for class participation.
Spring 2011 - Thomas Ginsburg

Competition Policy in the European Community
This seminar provides an introduction to the law and practice of competition policy of the European Union. It will focus particularly on the economic reasoning behind the design of EU competition law and its application to particular business practices. The course first focuses on the objectives of competition policy in the EC including its foundations in a particular economic approach to competition policy known as the ordo-liberal school. It will then cover the major areas of EC competition law including cartels and the exemptions for cooperative behavior; abuse of dominance including essential facilities, tying, bundled rebates, and exclusive dealing; and mergers. It will also examine State aid policy under the EC treaty including the rationale for prohibiting state subsidies of industry and the application of State aid by the European Commission and courts. The course will introduce students to the major EU cases, with a particular focus on recent Commission decisions and court judgments, and to efforts to introduce economic reasoning into EU competition law and to move from form-based to effects-based analyses.
Grade will be based on a final in-class examination and an optional paper (to receive 3 credits).
Spring 2011 - David Evans

Complex Corporate Litigation Management
This seminar emphasizes acquiring practical knowledge about how litigation typically progresses from filing of the complaint to resolution of the dispute. Students learn how to develop litigation strategies that dictate step by step choices in managing litigation to a successful conclusion for the client. The relationship between in-house counsel and outside counsel and how this relationship works in managing complex corporate litigation is also examined. Students gain knowledge about how the client’s
business processes and corporate culture manifest themselves in litigation preferences about such things as litigation team management, use of the media, motion practice, response to discovery, venue selection, regulatory involvement, approach to class action cases, settlement, punitive damages and the like. How to plan litigation strategy to comport with the Corporate Client’s desires while maintaining a winning strategy and maintaining the outside counsel’s comfort level is discussed. The class covers the arc a complex corporate lawsuit typically takes from the filing of the complaint to the resolution of the dispute whether resolved by settlement, self-help, legislative or regulatory involvement, final judgment or other means. Several case studies of litigated disputes that galvanized the media are examined. The case studies will include a California initiative to roll back auto insurance rates 20%, a corporate governance case involving billions in dividend payments, a class action with allegations of corporate “redlining,” and a private attorney general lawsuit in the aftermath of a major natural catastrophe. Students will develop and apply their knowledge to examine critically litigation strategy decisions by all parties at the pre-trial, trial, appellate, and settlement phases of each case. Guest conversationalists may include a senior litigator, an expert witness, a company executive, a journalist, or a member of the judiciary.

Students’ grades are based students’ choice of a major paper, several reaction papers or an end of quarter examination and on class participation.

Winter 2011 - Judith Mintel

**Complex Litigation**

An advanced civil procedure class, this course will introduce students to complex civil litigation, and the various ways available in the federal system to aggregate multi-party, multi-issue, and multi-forum disputes. The class will cover both the theory of the various laws and devices used in aggregation, and also the practical aspects of how those laws and theories succeed (or not) in achieving fair and efficient disposition of disputes. Topics covered will include the various mechanisms for aggregating parties, including joinder, intervention, interpleader, and class actions; relevant venue and consolidation considerations, including multi-district transfer and consolidation; federal jurisdiction and preclusion rules that affect aggregation; and relevant choice of law issues.

Grading will be based on an open-book take-home final examination, with some account taken of class participation.

Spring 2011 - Brian Murray

**Conflicts of Law**

This course will examine the legal framework for the resolution of interstate conflicts of law within the U.S., focusing on the choice of law principles that courts apply to determine the rule of decision in cases where the relevant parties, conduct or transactions have connections to more than one state. The course will consider how conflicts of law rules implicate important separation of powers, federalism and private international law concerns. Topics include the federal constitutional limitations on choice of law, the extent to which courts must give full faith and credit to the judgments of courts in other states, and the role of international conflicts of law rules on the domestic enforcement of foreign judgments.

Student grades are based on an in-class final examination.

Spring 2011 - Daniel Abebe
Constitutional Decision Making
Students enrolled in this seminar work as courts consisting of five Justices each. During each of the first eight weeks of the quarter, the courts are assigned several hypothetical cases raising issues under either the Equal Protection Clause or the First Amendment’s guarantee of freedom of speech and press. Each court must select in advance whether it will focus on equal protection or the First Amendment. All cases must be decided with opinions (concurring and dissenting opinions are, of course, permitted). The decisions may be premised on the legislative history of the amendment (materials on that history will be provided) and on any doctrines or precedents created by the Justices themselves. The Justices may not rely, however, on any actual decisions of the United States Supreme Court. The seminar is designed to give students some insight into the problems a justice confronts in collaborating with colleagues, interpreting an ambiguous constitutional provision, and then living with the doctrines and precedents he or she creates. Constitutional Law is not a prerequisite for participation in this seminar. Enrollment will be limited to three courts. Since the members of each court must work together closely under rigid time constraints, it is preferable for students to form their own complete courts.
Winter 2011 - Geoffrey Stone

Constitutional Law I: Governmental Structure
This course analyzes the structure of American government, as defined through the text of the Constitution and its interpretation. The major subjects covered are the allocation of powers among the legislative, executive, and judicial branches; the function of judicial review; and the role of the states and the federal government in the federal structure.
The student’s grade is based on class participation and a final examination.
Autumn 2010 - Aziz Huq

Constitutional Law II: Freedom of Speech
A study of the doctrine and theory of the constitutional law of freedom of speech. The subjects for discussion include advocacy of unlawful conduct, defamation, invasion of privacy, commercial speech, obscenity and pornography, offensive speech, symbolic expression, restrictions on the speech of government employees, restrictions on speech in schools and colleges, the relevance of free speech principles to museums and libraries, protest in public places, regulation of campaign expenditures and communications, freedom of the press as a distinct principle, and regulation of the electronic media.
Students who have completed Constitutional Law IV are ineligible to enroll in this course. The student’s grade is based on a final examination and class participation.
Autumn 2010 - David A Strauss

Constitutional Law II: Freedom of Speech
A study of the doctrine and theory of the constitutional law of freedom of speech. The subjects for discussion include advocacy of unlawful conduct, defamation, invasion of privacy, commercial speech, obscenity and pornography, offensive speech, symbolic expression, restrictions on the speech of government employees, restrictions on speech in schools and colleges, the relevance of free speech principles to
museums and libraries, protest in public places, regulation of campaign expenditures and communications, freedom of the press as a distinct principle, and regulation of the electronic media.

Students who have completed Constitutional Law IV are ineligible to enroll in this course. The student’s grade is based on a final examination and class participation.

Winter 2011 - Geoffrey Stone

**Constitutional Law III: Equal Protection and Substantive Due Process**

This course considers the history, theory, and contemporary law of the post-Civil War Amendments to the Constitution, particularly the Equal Protection and Due Process Clauses of the Fourteenth Amendment. The central subjects are the constitutional law governing discrimination on the basis of race, gender, and other characteristics, and the recognition of individual rights not explicitly enumerated in the Constitution. Throughout, students consider certain foundational questions, including the role of courts in a democracy and the question of how the Constitution should be interpreted. The student’s grade is based on a final examination.

Autumn 2010 - Adam Cox

**Constitutional Law V: Religion and the Constitution**

This course explores the relationship between religion, constitutional law, and judicial review in the United States. Students will consider how political institutions might be designed in light of religious commitments in society, and then study the influence of constitutional adjudication and the character of judicial doctrine. Students are encouraged to complete Constitutional Law I before enrolling in this course. Students who have completed Constitutional Law IV are ineligible to enroll in this course. Grades are based on a final exam and class participation.

Winter 2011 - Adam Samaha

**Constitutional Law VI: Constitutional Rights in Comparative Perspective**

This course offers a survey of U.S. constitutional rights law from a comparative perspective. It considers U.S. Supreme Court decisions relating to the death penalty, equal protection, affirmative action, hate speech, pornography, libel, abortion, gay and lesbian rights, religious free exercise (especially as it arises in the context of religious sacraments and religious dress), and emergency legislation post-9/11, and compares the Court’s approach in these cases to the approach of constitutional courts in Canada, Germany, India, Israel, South Africa and the United Kingdom in similar cases.

Prerequisite: Students must complete one of the other Con Law courses (I-V) Assessment for the course will be based on a combination of class participation (30%) and a take-home final examination (70%). The exam will comprise two questions: (i) asking you to use foreign law or experience to reflect on an issue in U.S. constitutionalism; and (ii) asking you to predict how the court in one of the jurisdictions we have studied would likely approach an issue. This class will not meet January 4th.

Winter 2011 - Rosalind Dixon

**Contract Drafting and Review**

This seminar will serve as an introduction to contract drafting and how such drafting differs from other types of legal writing. We will start with the basic “anatomy of a contract,” discussing the meaning, use and effect of various provisions. The course will address not only legal drafting issues, but also how to understand a client’s prac-
tical business needs and the “bigger picture” in order to effectively use the contract as a planning and problem solving tool. Students will draft and review specific contract provisions, and will learn how to read, review and analyze contracts with an eye toward both legal and business risk issues.
Grades will be based upon class participation, a series of short drafting exercises over the quarter, and a final exam requiring students to review and revise a contract presented to them.
Autumn 2010 - Joan Neal

**Contract Law Theory**

This seminar will examine some of the leading debates in the theory of contract law. The initial classes will focus on the broad economic, legal, and moral criteria that scholars use to evaluate the content and application of contract law. After this introduction, each meeting will address specific topics that have received significant attention in the literature, including when and whether it is permissible to breach an agreement, debates about whether judges should reach beyond the text of contract to construe its meaning, and empirical research that calls into doubt some of the standard assumptions about the content and use of consumer contracts and other commercial agreements.
Grades will be based on a combination of the paper and class participation.
Spring 2011 - Anthony Niblett

**Contract Negotiation**

This seminar will provide students with the opportunity to participate in a simulated contract negotiation for the outsourcing of services. Students will be divided into “buyers” and “sellers” and then paired up to draft, review, revise, negotiate and finalize a contract with their opposing counsel partner by the end of the quarter, with a focus on risk assessment and risk mitigation in the contract. Instructors will act as the clients for the two sides of the transaction, providing necessary business and legal guidance to their students/counsel over the course of the simulation. The simulation will require not only in-class participation, but also negotiation sessions to be scheduled by the pairs between class meetings. The simulation may begin with a Request for Proposal (“RFP”) and continue through the drafting and completion of an agreement, or may involve the negotiation of a second related agreement following completion of the first agreement.
Grades will be based upon class participation (including the ability to work with others in a collaborative and effective manner) and the instructors’ review of the final agreement(s) reached by the parties.
Winter 2011 - David Zarifes, Joan Neal

**Contracts and Commercial Transactions**

The objective of this course is to familiarize the student with contracts as used by sophisticated parties. Accordingly, this course will explore "real-world" contracts actually entered into by "real-world" companies -- the Coca-Cola’s, Microsoft’s, and HP’s of the world. Through this course, the student will attain a certain facility with agreements, their organization and structure, their language, and their provisions (and the interaction of these provisions). The course will pay considerable attention to how courts have treated various contractual provisions, exploring areas of substan-
The University of Chicago

The examination of actual contracts will begin with non-disclosure agreements and will proceed into employment agreements, services agreements, and agreements for the sale of goods. Depending on time (and student interest), we may also delve into lending and/or merger-and-acquisition agreements. In addition, readings will include comments from leading practicing attorneys (from law firms such as Sidley, Kirkland, and Cravath, and from legal departments at companies such as Microsoft, Accenture, and JPMorgan), and there is the possibility that, from time to time, some of these (or other) experienced practitioners may join us for class.

The student’s grade will be based on in-class participation as well as periodic exercises. This course is highly recommended for those students interested in taking other transactional offerings at the Law School, including (but, of course, not limited to) the "Corporate Lab" and "Private Equity Transactions: Issues and Documentation."

Autumn 2010 - David Zarfes, Michael Bloom

Copyright

This course explores the major areas of copyright law, with special emphasis on how modern technology might challenge traditional copyright principles. Topics include copyright duration, subject matter, and ownership; the rights and limitations of copyright holders, including the fair use doctrine; remedies for copyright infringement; and federal preemption of state law.

The student’s grade is based on a final examination.

Autumn 2010 - Saul Levmore

Corporate Criminal Prosecutions and Investigations

The criminal investigation and prosecution of large-scale corporate fraud is the hottest area of focus for prosecutors and the criminal defense bar. This course is designed for students interested in learning about the practical aspects of uncovering, investigating, defending, and prosecuting corporate crimes; reporting findings to clients and government authorities; strategic considerations for the prosecutor and defense lawyer in white collar criminal investigations; prosecutorial charging policies and decisions; pre-trial diversion and non-prosecution agreements; and the Foreign Corrupt Practices Act. The class will introduce students to this multi-faceted area of the law, and expose students to real-world considerations involved in advising corporate clients and their officers, directors, and employees. The course will address legal and practical issues and concerns from the perspective of the prosecutor, the defense attorney, and in-house counsel.

The student’s grade will be based on a final examination and class participation.

Winter 2011 - Andrew Boutros, William Hogan

Corporate Finance

This course examines basic corporate financial matters, including valuation of securities and projects, portfolio theory, returns to risk bearing, the theory of efficient capital markets, the use and valuation of options and derivatives, and corporate capital struc-
The course primarily focuses on the financial aspects of these matters rather than on any specific laws governing particular transactions, and the textbook is a basic business school corporate finance textbook.

Students with substantial prior exposure to these issues (such as students with an MBA, joint MBA/JD, and undergraduate finance majors) are ineligible for the course. A student’s grade is based on a proctored final examination.

Winter 2011 - David A Weisbach

Corporate Lab

The objective of this seminar is to create a student laboratory that will work closely with the legal teams from Accenture, AT&T, IBM, JPMorgan Chase, Microsoft, Northern Trust, United Airlines, and Verizon on legal initiatives relative to the practice of multinational businesses in the consulting, financial, information technology, telecommunications, and transportation sectors; in doing so, the course aims to teach practical legal skills both by working on actual projects with in-house counsel and by collaborating in the classroom on the legal issues raised by such projects. Students will be divided into teams based on participant company and will be given a wide range of responsibilities in connection with one or more projects for their company. Examples of projects include: for Accenture, interviewing top law firms and third-party advisers that support outsourcing contracts to determine their negotiation styles and strategies and to assess market trends and future outsourcing movement with an eye toward the current economic environment; for AT&T, researching state laws regarding limitations of liability in government contracts and furnishing recommendations on negotiating leverage across jurisdictions; for JPMorgan Chase, performing due diligence to ensure compliance with banking regulatory regimes and surveying the legal marketplace for trends in alternative fee arrangements; for Microsoft, developing industry-specific terms and templates for IT transactions to decrease contract complexity and aid negotiations; for Northern Trust, reviewing and performing risk analyses on key provisions of asset servicing and fund administration contracts entered into with institutional investors worldwide; and, for Verizon, researching corporate governance and voting laws in preparation for an upcoming shareholder meeting. This practicum mirrors a real-world work experience: Students will receive hands-on substantive and client-development experience and are expected to exercise a high level of professionalism and responsiveness. In addition to weekly class meetings to deliver project statuses and discuss legal issues raised by the work, students are expected to meet outside of class to meet their deadlines.

Grades will be based upon the quality of work product (50 percent), appropriate attention to client service (25 percent), and collaborative efforts within a team environment (25 percent). This offering will not count toward seminar restrictions and is not subject to lottery registration; however, the instructors may cap enrollment depending on company needs. Students who register are expected to remain in the course for two consecutive quarters.

Autumn 2010 - David Zarfes, Sean Kramer, Michael Bloom

Corporate Lab

The objective of this seminar is to create a student laboratory that will work closely with the legal teams from Accenture, AT&T, IBM, JPMorgan Chase, Microsoft, Northern Trust, United Airlines, and Verizon on legal initiatives relative to the prac-
tice of multinational businesses in the consulting, financial, information technology, telecommunications, and transportation sectors; in doing so, the course aims to teach practical legal skills both by working on actual projects with in-house counsel and by collaborating in the classroom on the legal issues raised by such projects. Students will be divided into teams based on participant company and will be given a wide range of responsibilities in connection with one or more projects for their company. Examples of projects include: for Accenture, interviewing top law firms and third-party advisers that support outsourcing contracts to determine their negotiation styles and strategies and to assess market trends and future outsourcing movement with an eye toward the current economic environment; for AT&T, researching state laws regarding limitations of liability in government contracts and furnishing recommendations on negotiating leverage across jurisdictions; for JPMorgan Chase, performing due diligence to ensure compliance with banking regulatory regimes and surveying the legal marketplace for trends in alternative fee arrangements; for Microsoft, developing industry-specific terms and templates for IT transactions to decrease contract complexity and aid negotiations; for Northern Trust, reviewing and performing risk analyses on key provisions of asset servicing and fund administration contracts entered into with institutional investors worldwide; and, for Verizon, researching corporate governance and voting laws in preparation for an upcoming shareholder meeting. This practicum mirrors a real-world work experience: Students will receive hands-on substantive and client-development experience and are expected to exercise a high level of professionalism and responsiveness. In addition to weekly class meetings to deliver project statuses and discuss legal issues raised by the work, students are expected to meet outside of class to meet their deadlines.

Grades will be based upon the quality of work product (50 percent), appropriate attention to client service (25 percent), and collaborative efforts within a team environment (25 percent). This offering will not count toward seminar restrictions and is not subject to lottery registration; however, the instructors may cap enrollment depending on company needs. Students who register are expected to remain in the course for two consecutive quarters.

Winter 2011 - David Zarifes, Sean Kramer, Michael Bloom

Corporate Lab
The objective of this seminar is to create a student laboratory that will work closely with the legal teams from Accenture, AT&T, IBM, JPMorgan Chase, Microsoft, Northern Trust, United Airlines, and Verizon on legal initiatives relative to the practice of multinational businesses in the consulting, financial, information technology, telecommunications, and transportation sectors; in doing so, the course aims to teach practical legal skills both by working on actual projects with in-house counsel and by collaborating in the classroom on the legal issues raised by such projects. Students will be divided into teams based on participant company and will be given a wide range of responsibilities in connection with one or more projects for their company. Examples of projects include: for Accenture, interviewing top law firms and third-party advisers that support outsourcing contracts to determine their negotiation styles and strategies and to assess market trends and future outsourcing movement with an eye toward the current economic environment; for AT&T, researching state laws regarding limitations of liability in government contracts and furnishing recommendations on negotiating leverage across jurisdictions; for JPMorgan Chase, performing due diligence to ensure
compliance with banking regulatory regimes and surveying the legal marketplace for trends in alternative fee arrangements; for Microsoft, developing industry-specific terms and templates for IT transactions to decrease contract complexity and aid negotiations; for Northern Trust, reviewing and performing risk analyses on key provisions of asset servicing and fund administration contracts entered into with institutional investors worldwide; and, for Verizon, researching corporate governance and voting laws in preparation for an upcoming shareholder meeting. This practicum mirrors a real-world work experience: Students will receive hands-on substantive and client-development experience and are expected to exercise a high level of professionalism and responsiveness. In addition to weekly class meetings to deliver project statuses and discuss legal issues raised by the work, students are expected to meet outside of class to meet their deadlines.

Grades will be based upon the quality of work product (50 percent), appropriate attention to client service (25 percent), and collaborative efforts within a team environment (25 percent). This offering will not count toward seminar restrictions and is not subject to lottery registration; however, the instructors may cap enrollment depending on company needs. Students who register are expected to remain in the course for two consecutive quarters.

Spring 2011 - David Zarfes, Sean Kramer, Michael Bloom

**Corporation Law**

This three-credit course is an introduction to the law governing the modern business corporation. It focuses on both large and small firms and pays particular attention to mergers and acquisitions as well as the allocation of control among managers, boards of directors, and investors.

The class will either require a paper or a take-home exam. Corporation Law is not open to students who have taken, or are currently taking, Business Associations I (LAWS 42303).

Autumn 2010 - Mitu Gulati

**Criminal Procedure II: The Federal Adjudicative Process**

This course will conduct a survey of pre-trial and post-trial federal criminal procedure and the federal criminal process after formal proceedings have commenced, focusing on the constitutional and statutory law that governs at each stage. Topics will include: pretrial release and detention, the preliminary hearing, the grand jury, the charging instrument, joinder and severance, discovery, selected trial issues (including confrontation rights), plea bargaining and negotiation, and sentencing. We will also examine perspectives on prosecutorial discretion and ethics, as well as ethical issues surrounding the representation of criminal defendants. Various guest speakers will visit class, including federal district court judges.

The student’s grade will be based on an in-class examination and on several short writing assignments. This course will not cover any of the material addressed in Criminal Procedure I, and that course is not a prerequisite.

Winter 2011 - Alison Siegler
Criminal and Juvenile Justice Project

The current focus of the Project is to provide quality legal representation to children accused of crime and delinquency. In that context, the Project seeks to expand the concept of legal representation to include the social, psychological, medical, and educational needs of our clients, including (but not limited to) developing alternatives to incarceration. The Project's other pedagogical goals involve developing pre-trial, trial and other lawyering skills; encouraging students to pursue public service careers and to make public interest work a part of their private practice; teaching students to apply and critically examine legal theory; and improving the system of justice and its relationship to the poor and to persons of color through litigation, legislative advocacy, and public education, including the development of policies and strategies for effective crime and violence prevention. The Project meets regularly for group case conferences and to discuss ethical issues, recent legal developments, and policy. Individual student-teacher conferences are frequent. Second-year students new to the Project are teamed with returning third-year students to foster collaboration and to ensure continuity in representation. The Clinic social worker and social work students are actively involved in many of the cases and activities. Students may be expected to interview clients and witnesses; inspect crime scenes; conduct fact investigations; participate in relevant community, professional and bar association activities; and prepare motions, briefs, memoranda, and other pleadings. Third-year students may also be expected to appear in court at status hearings, argue contested motions, present legal issues, negotiate with opposing counsel, and, depending on the case and the client-student-faculty assessment, participate in the representation of the client at trial. All students are encouraged to work collaboratively, creatively, and across disciplines in both direct representation and policy initiatives. Second-year students wishing to enroll in the Project are strongly encouraged to enroll in Evidence early in their second year. Other strongly recommended courses include Criminal Procedure, Juvenile Justice, and Legal Profession. Third-year students are required to complete, prior to their third year, Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. The credit awarded to this seminar is governed by the new rules for credit for clinical work: academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in these Announcements and by the approval of the clinical staff. Enrollment in the Project is limited, and preference will be given to students who have taken the Intensive Trial Practice Workshop and Pretrial Advocacy. Autumn 2010 - Herschella Conyers, Randolph Stone

Criminal and Juvenile Justice Project

The current focus of the Project is to provide quality legal representation to children accused of crime and delinquency. In that context, the Project seeks to expand the concept of legal representation to include the social, psychological, medical, and educational needs of our clients, including (but not limited to) developing alternatives to incarceration. The Project’s other pedagogical goals involve developing pre-trial, trial and other lawyering skills; encouraging students to pursue public service careers and to make public interest work a part of their private practice; teaching students to apply and critically examine legal theory; and improving the system of justice and its relationship to the poor and to persons of color through litigation, legislative advocacy, and public education, including the development of policies and
strategies for effective crime and violence prevention. The Project meets regularly for group case conferences and to discuss ethical issues, recent legal developments, and policy. Individual student-teacher conferences are frequent. Second-year students new to the Project are teamed with returning third-year students to foster collaboration and to ensure continuity in representation. The Clinic social worker and social work students are actively involved in many of the cases and activities. Students may be expected to interview clients and witnesses; inspect crime scenes; conduct fact investigations; participate in relevant community, professional and bar association activities; and prepare motions, briefs, memoranda, and other pleadings. Third-year students may also be expected to appear in court at status hearings, argue contested motions, present legal issues, negotiate with opposing counsel, and, depending on the case and the client-student-faculty assessment, participate in the representation of the client at trial. All students are encouraged to work collaboratively, creatively, and across disciplines in both direct representation and policy initiatives. Second-year students wishing to enroll in the Project are strongly encouraged to enroll in Evidence early in their second year. Other strongly recommended courses include Criminal Procedure, Juvenile Justice, and Legal Profession. Third-year students are required to complete, prior to their third year, Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. The credit awarded to this seminar is governed by the new rules for credit for clinical work: academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in these Announcements and by the approval of the clinical staff. Enrollment in the Project is limited, and preference will be given to students who have taken the Intensive Trial Practice Workshop and Pretrial Advocacy.

Winter 2011 - Herschella Conyers, Randolph Stone

Criminal and Juvenile Justice Project

The current focus of the Project is to provide quality legal representation to children accused of crime and delinquency. In that context, the Project seeks to expand the concept of legal representation to include the social, psychological, medical, and educational needs of our clients, including (but not limited to) developing alternatives to incarceration. The Project’s other pedagogical goals involve developing pre-trial, trial and other lawyering skills; encouraging students to pursue public service careers and to make public interest work a part of their private practice; teaching students to apply and critically examine legal theory; and improving the system of justice and its relationship to the poor and to persons of color through litigation, legislative advocacy, and public education, including the development of policies and strategies for effective crime and violence prevention. The Project meets regularly for group case conferences and to discuss ethical issues, recent legal developments, and policy. Individual student-teacher conferences are frequent. Second-year students new to the Project are teamed with returning third-year students to foster collaboration and to ensure continuity in representation. The Clinic social worker and social work students are actively involved in many of the cases and activities. Students may be expected to interview clients and witnesses; inspect crime scenes; conduct fact investigations; participate in relevant community, professional and bar association activities; and prepare motions, briefs, memoranda, and other pleadings. Third-year students may also be expected to appear in court at status hearings, argue contested motions, present legal issues, negotiate with opposing counsel, and, depending on
the case and the client-student-faculty assessment, participate in the representation of the client at trial. All students are encouraged to work collaboratively, creatively, and across disciplines in both direct representation and policy initiatives. Second-year students wishing to enroll in the Project are strongly encouraged to enroll in Evidence early in their second year. Other strongly recommended courses include Criminal Procedure, Juvenile Justice, and Legal Profession. Third-year students are required to complete, prior to their third year, Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. The credit awarded to this seminar is governed by the new rules for credit for clinical work: academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in these Announcements and by the approval of the clinical staff. Enrollment in the Project is limited, and preference will be given to students who have taken the Intensive Trial Practice Workshop and Pretrial Advocacy.

Spring 2011 - Herschella Conyers, Randolph Stone

Current Controversies in Corporate and Securities Law
This seminar deals with the most important developments in U.S. (and to some extent global) corporate and securities practice during the preceding year. The course and discussions provide analysis of the legal, political, and economic implications of these Developments. Each student submits one paper and gives an oral presentation and analysis of another student’s paper.
Winter 2011 - Richard Shepro

Derivatives
This seminar will introduce the basics of derivatives by looking at their forms and uses, as well as the regulation governing them. We will read a mixture of economics, practice literature, regulations, cases, and academic articles. Grades will be based on class participation and a series of short research papers.
Winter 2011 - M. Todd Henderson

Distribution, Taxes, and Social Justice
This interdisciplinary seminar will examine normative theories of social justice (Rawls, Sen, and others) in the context of a focus on tax policy and other practical strategies for addressing inequality (education, affirmative action). The focus throughout will be on inequality in the United States. Students enrolled will write a seminar paper (20-25 pages). Non-law students should apply to the instructors by November 1, 2010.
Spring 2011 - Martha C Nussbaum, David A Weisbach

Divorce Practice
This seminar provides an exposure to the dynamic process of representing clients in a dissolution of marriage case. Completion of basic Family Law is recommended. The seminar will familiarize you with the complexities that arise when a family is divided and wife and husband are dissolving their marriage. Topics are covered in the sequence of an evolving case from the perspective of a practicing lawyer and include: initial client interviews and retention; determination of jurisdiction; interstate and international parental kidnapping; domestic violence; temporary and permanent child custody and visitation; temporary and permanent maintenance for spouse
and support for children; awards of attorneys fees and costs; exploration of property rights and factors for determining a division; the valuation process and problems in dividing certain types of property; pre- and post-marital agreements; pretrial discovery; common evidentiary issues; federal tax aspects of marital dissolution and effects of bankruptcy.

One-third of the student’s grade is based on class participation, and two-thirds is based on the drafting of court pleadings and legal memoranda. Writing for this seminar may be used as partial fulfillment of the JD writing requirement (WP).

Autumn 2010 - Donald Schiller

Drafting Contracts: The Problem of Ambiguity

This seminar examines what is arguably the most common cause of litigation over contracts—ambiguity. By reviewing and discussing many specific examples of ambiguity, students will learn to identify the various forms of ambiguity that occur in contracts and how to eliminate them. Using the readings and handout materials, students will prepare a checklist of ambiguity issues that will help them identify and eliminate ambiguity in all types of contracts that they will draft or review throughout their legal careers. The seminar will analyze such issues as how an easily avoidable case of contract ambiguity led to the largest civil damages award in American history; how a case of postmodification ambiguity caused a million dollar ambiguity in a contract; how Roger Casement was “hanged by the comma” in the English Treason Act of 1351; and how a case of postmodification ambiguity altered the course of World War II.

Grades will be based on a proctored final exam.

Winter 2011 - Preston Torbert

Economic Analysis of The Law

This course introduces the concepts of law and economics. Over the last forty years, economics has become an important tool for those who want to understand the effect legal rules have on the way people behave. This course also explores the extent to which the principles of economics can be used to explain the workings of the legal system itself. The topics covered in this course include the Coase theorem, the choice between property and liability rules, the allocative effects of alternative liability rules (e.g., strict liability versus negligence); the determination of damages for breach of contract; and the economics of legal procedure.

No prior acquaintance with economics or calculus is assumed; the relevant economic concepts are developed through an examination of particular legal applications. The student’s grade is based on a final examination.

Autumn 2010 - Anup Malani

Electronic Commerce Law

This seminar focuses on both the technology involved in electronic commerce and the law surrounding the emerging field. Electronic commerce is growing at an exponential rate. As more of our daily commercial lives are lived through use of computers, decisions must be made: will existing law treat e-commerce no differently than any other kind of commerce, or must new laws emerge to take into account some of the radical new transactions and complications? The seminar will begin with an overview of the history and infrastructure of the Internet, setting the groundwork and providing
students with a working knowledge of the terminology and technology they will likely encounter working in this legal field. Additional background discussion will involve the concept of regulation of the Internet, global vs. national perspectives on the law of the Internet, and conceptions of sovereignty. Topics will be dictated by the needs of the moment, but will potentially include electronic contracts, digital signatures, the application of traditional UCC doctrines such as the mailbox rule and the statute of frauds to e-commerce, Internet sales of highly regulated goods (such as alcohol, firearms, pharmaceuticals), the domain name system and its relation to trademark law, trade-related issues such as consumer fraud/protection and product disparagement, sales taxation, Internet and business method patents, digital cash/smart cards, digital checks, electronic securities law, Internet gambling, commercial privacy, and e-commerce in gray and black markets. Time permitting, we may also explore the relationship of international law to e-commerce, the effect of e-commerce concepts on commercial litigation, and export control laws involving cryptography.

Enrollment is capped at 20. Topics not covered in the seminar will be suitable for papers. Students may either write a substantial paper or write a shorter paper and make a presentation to the class at the end of the quarter.

Winter 2011 - Marsha Nagorsky

Employment Discrimination Law
This seminar deals with the problem of discrimination in the American workplace and the federal and state statutes that have been enacted to prohibit it. Primary focus will be on the major federal equal employment opportunity statutes (Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act), the types of claims that are brought under these laws (disparate treatment, disparate impact, mixed motives, and retaliation claims), and the varying burdens of proof/persuasion, procedural prerequisites, and remedies provided by these statutes, along with current proposals for legislative change.

Enrollment will be limited to 20 students. The student's grade will be based on class participation and a final examination; students wishing to earn 3 credits for the class may write a 10-12+ page research paper in addition to the final exam.

Winter 2011 - James Whitehead

Employment Discrimination Project
Randall D. Schmidt and his students operate the Clinic's Employment Discrimination Project. The Project focuses primarily on pre-trial litigation. In individual cases, the Project represents clients in cases before the Illinois Department of Human Rights (Department) and the Illinois Human Rights Commission (Commission) and seeks to obtain relief for clients from race, sex, national origin, and handicap discrimination in the workplace. Additionally, in its individual cases and law reform/impact cases, the Project seeks to improve the procedures and remedies available to victims of employment discrimination so that complainants have a fair opportunity to present their claims in a reasonably expeditious way. To accomplish this goal, the Project, in addition to litigation, is also active in the legislative arena and participates with other civil rights groups in efforts to amend and improve the Illinois Human Rights Act.

Second-year students in the Project can expect to handle several cases individually and second chair other cases along with third-year students. Second-year students will autonomously handle cases that the Department is investigating. In these cases,
students interview clients and witnesses, assist in the preparation of written briefs and memoranda explaining why the client was the victim of discrimination, and represent clients at informal hearings before the Department. Second- and third-year students will jointly handle cases in the Commission and at various pre-trial stages. They will be involved in discovery (drafting requests, responding to the employer’s discovery, reviewing the information produced in discovery, etc.) and pretrial preparation (i.e., interviewing witnesses, drafting the pretrial memorandum, etc.). Second-year students will be given the opportunity to attend status hearings and hearings on contested motions, along with the third-year student assigned to the case. Moreover, if the case goes to trial, the second-year student will be actively involved in all phases of trial preparation and will attend the trial. Third-year students in the Project are assigned cases that are awaiting trial in the Commission. In these cases, third-year students attend status conferences, argue contested motions, engage in discovery, negotiate with the employer, and prepare the case for trial. If the case goes to trial, the third-year student will be expected to be the lead attorney on the case. The Project also handles, or is otherwise involved in, several appeals each year. Both second- and third-year students work on these appeals researching and drafting appellate briefs. If possible, third-year students present the oral arguments in the appeals.

It is suggested, but not required, that all students in the Employment Discrimination Project take the Employment Discrimination course. Third-year students participating in the Employment Discrimination Project are required to take Evidence. Third-year students are strongly encouraged to take, prior to their third year, Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. Enrollment in the Employment Discrimination Project is limited and preference will be given to students who take Pretrial Advocacy and the Intensive Trial Practice Workshop. The student’s grade is based on class participation. The credit awarded to this seminar is governed by the new rules for credit for clinical work. Academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff.

Autumn 2010 - Randall Schmidt

Employment Discrimination Project

Randall D. Schmidt and his students operate the Clinic’s Employment Discrimination Project. The Project focuses primarily on pre-trial litigation. In individual cases, the Project represents clients in cases before the Illinois Department of Human Rights (Department) and the Illinois Human Rights Commission (Commission) and seeks to obtain relief for clients from race, sex, national origin, and handicap discrimination in the workplace. Additionally, in its individual cases and law reform/impact cases, the Project seeks to improve the procedures and remedies available to victims of employment discrimination so that complainants have a fair opportunity to present their claims in a reasonably expeditious way. To accomplish this goal, the Project, in addition to litigation, is also active in the legislative arena and participates with other civil rights groups in efforts to amend and improve the Illinois Human Rights Act. Second-year students in the Project can expect to handle several cases individually and second chair other cases along with third-year students. Second-year students will autonomously handle cases that the Department is investigating. In these cases, students interview clients and witnesses, assist in the preparation of written briefs and memoranda explaining why the client was the victim of discrimination, and
represent clients at informal hearings before the Department. Second- and third-year students will jointly handle cases in the Commission and at various pre-trial stages. They will be involved in discovery (drafting requests, responding to the employer’s discovery, reviewing the information produced in discovery, etc.) and pretrial preparation (i.e., interviewing witnesses, drafting the pretrial memorandum, etc.). Second-year students will be given the opportunity to attend status hearings and hearings on contested motions, along with the third-year student assigned to the case. Moreover, if the case goes to trial, the second-year student will be actively involved in all phases of trial preparation and will attend the trial. Third-year students in the Project are assigned cases that are awaiting trial in the Commission. In these cases, third-year students attend status conferences, argue contested motions, engage in discovery, negotiate with the employer, and prepare the case for trial. If the case goes to trial, the third-year student will be expected to be the lead attorney on the case. The Project also handles, or is otherwise involved in, several appeals each year. Both second- and third-year students work on these appeals researching and drafting appellate briefs. If possible, third-year students present the oral arguments in the appeals.

It is suggested, but not required, that all students in the Employment Discrimination Project take the Employment Discrimination course. Third-year students participating in the Employment Discrimination Project are required to take Evidence. Third-year Students are strongly encouraged to take, prior to their third year, Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. Enrollment in the Employment Discrimination Project is limited and preference will be given to students who take Pretrial Advocacy and the Intensive Trial Practice Workshop. The student’s grade is based on class participation. The credit awarded to this seminar is governed by the new rules for credit for clinical work. Academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff.

Winter 2011 - Randall Schmidt

Employment Discrimination Project

Randall D. Schmidt and his students operate the Clinic’s Employment Discrimination Project. The Project focuses primarily on pre-trial litigation. In individual cases, the Project represents clients in cases before the Illinois Department of Human Rights (Department) and the Illinois Human Rights Commission (Commission) and seeks to obtain relief for clients from race, sex, national origin, and handicap discrimination in the work place. Additionally, in its individual cases and law reform/impact cases, the Project seeks to improve the procedures and remedies available to victims of employment discrimination so that complainants have a fair opportunity to present their claims in a reasonably expeditious way. To accomplish this goal, the Project, in addition to litigation, is also active in the legislative arena and participates with other civil rights groups in efforts to amend and improve the Illinois Human Rights Act. Second-year students in the Project can expect to handle several cases individually and second chair other cases along with third-year students. Second-year students will autonomously handle cases that the Department is investigating. In these cases, students interview clients and witnesses, assist in the preparation of written briefs and memoranda explaining why the client was the victim of discrimination, and represent clients at informal hearings before the Department. Second- and third-year students will jointly handle cases in the Commission and at various pre-trial stages.
They will be involved in discovery (drafting requests, responding to the employer’s discovery, reviewing the information produced in discovery, etc.) and pretrial preparation (i.e., interviewing witnesses, drafting the pretrial memorandum, etc.). Second-year students will be given the opportunity to attend status hearings and hearings on contested motions, along with the third-year student assigned to the case. Moreover, if the case goes to trial, the second-year student will be actively involved in all phases of trial preparation and will attend the trial. Third-year students in the Project are assigned cases that are awaiting trial in the Commission. In these cases, third-year students attend status conferences, argue contested motions, engage in discovery, negotiate with the employer, and prepare the case for trial. If the case goes to trial, the third-year student will be expected to be the lead attorney on the case. The Project also handles, or is otherwise involved in, several appeals each year. Both second- and third-year students work on these appeals researching and drafting appellate briefs. If possible, third-year students present the oral arguments in the appeals.

It is suggested, but not required, that all students in the Employment Discrimination Project take the Employment Discrimination course. Third-year students participating in the Employment Discrimination Project are required to take Evidence. Third-year students are strongly encouraged to take, prior to their third year, Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. Enrollment in the Employment Discrimination Project is limited and preference will be given to students who take Pretrial Advocacy and the Intensive Trial Practice Workshop. The student’s grade is based on class participation. The credit awarded to this seminar is governed by the new rules for credit for clinical work. Academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff.

Spring 2011 - Randall Schmidt

Entrepreneurship and the Law
This seminar examines how the legal landscape and legal structuring strategies shape entrepreneurial enterprises, particularly micro-enterprises in the US. The course explores the position of the entrepreneur in society, in the economy, and in our constitutional framework, in order to analyze the entrepreneur’s fundamental legal needs. The seminar then surveys legal questions particular to start-ups, including strategies for structuring a business organization, financing, and protecting intellectual property. Throughout the course, students will analyze strategies for counseling entrepreneurial clients.
This seminar is a prerequisite for participation in the Institute for Justice Clinic on Entrepreneurship by 2Ls and a co-requisite for participation by 3Ls. Students’ grades will be based on active participation and several short writing assignments.
Autumn 2010 - Beth Milnikel

European Legal History
This survey course examines major tendencies and most important events in European Legal History. The course begins with the codification of Roman Law by emperor Justinian and the emergence of Germanic law during the migration period and moves forward to the 20th century. The course covers subjects as the emergence of jurisprudence in the middle ages and the structures of the ius commune, the reception of
Roman Law, the spread of humanistic jurisprudence, the rise of natural law, the codification movement and the totalitarian challenges to law in the first half of the 20th century.

Students grade will be based on a take home examination and class participation.

Winter 2011 - Richard Helmholz

Evidence

An examination of the federal rules governing proof at trial. On many points, the rules of most states are the same or similar (New York and California have the most differences, though even they have significant overlap with the Federal Rules). There will be somewhat more lecture than in a typical course, in order to facilitate coverage of material. Even so, certain relatively minor or easy topics will not be covered (Burdens of Proof, Presumptions, Judicial Notice), and others will be covered only briefly (e.g., Privileges, Impeachment of Witnesses). Approximately two-thirds of the term will be devoted to the two central topics in the law of evidence: relevance and hearsay (including the hearsay exceptions).

Winter 2011 - Brian Leiter

Evolving Regulation of Financial Institutions and Markets

In this time of turmoil in markets and the attendant need to refinance financial institutions it is likely that there will be a substantial revisiting of regulation of businesses and markets. This seminar will be a largely unstructured effort to investigate (and to create) various proposals in connection with the emerging debate on how to address these issues and institutions. The idea of the seminar is to form groups to focus on topics of interest leading to student reports and papers. We will meet weekly on Mondays at 1:30. No prior courses are required but students will be responsible for acquainting themselves with present regulation and our interest will be on proposed changes in light of the current financial crisis. Space is limited and closed to those already in the Bailouts seminar.

Spring 2011 - James Foorman

Executive Branch Design

This seminar will explore selected topics concerning institutional design of the executive branch. Topics covered will include hierarchical control, signing statements, inherent executive authority, executive immunities, civil service, executive statutory interpretation, spending powers, and presidential transitions. Additional or alternative topics may be added depending on student interest.

Spring 2011 - Jacob Gersen

Exoneration Project

The Law School, the Clinical Programs, the law firm of Loevy & Loevy, and the Truth and Justice Project are pleased to announce the start of a new clinical program: The Exoneration Project. The Exoneration Project will begin in January 2008 and will provide representation to clients who are asserting their actual innocence in state and federal court. Students in the Project will be involved in all aspects of the case from initial case selection through investigation and litigation. This new clinical project is open to all 2L’s and 3L’s who are not currently in and have not been in any other clinical project. It is expected that the project will take 8-10 students in January. A preference will be given to 3L’s who have not been in a clinical program and who are on the
waiting lists of the various clinics. A special lottery will be conducted for all interested students. Students selected for this project will receive credit for the work they do in accordance with the credit rules for all other clinical programs.

**Autumn 2010 - Tara Thompson, Russell Ainsworth, Elizabeth Wang, Jon Loevy**

**Exoneration Project**
The Law School, the Clinical Programs, the law firm of Loevy & Loevy, and the Truth and Justice Project are pleased to announce the start of a new clinical program: The Exoneration Project. The Exoneration Project will begin in January 2008 and will provide representation to clients who are asserting their actual innocence in state and federal court. Students in the Project will be involved in all aspects of the case from initial case selection through investigation and litigation. This new clinical project is open to all 2L’s and 3L’s who are not currently in and have not been in any other clinical project. It is expected that the project will take 8-10 students in January. A preference will be given to 3L’s who have not been in a clinical program and who are on the waiting lists of the various clinics. A special lottery will be conducted for all interested students. Students selected for this project will receive credit for the work they do in accordance with the credit rules for all other clinical programs.

**Winter 2011 - Tara Thompson, Russell Ainsworth, Elizabeth Wang, Jon Loevy**

**Exoneration Project**
The Law School, the Clinical Programs, the law firm of Loevy & Loevy, and the Truth and Justice Project are pleased to announce the start of a new clinical program: The Exoneration Project. The Exoneration Project will begin in January 2008 and will provide representation to clients who are asserting their actual innocence in state and federal court. Students in the Project will be involved in all aspects of the case from initial case selection through investigation and litigation. This new clinical project is open to all 2L’s and 3L’s who are not currently in and have not been in any other clinical project. It is expected that the project will take 8-10 students in January. A preference will be given to 3L’s who have not been in a clinical program and who are on the waiting lists of the various clinics. A special lottery will be conducted for all interested students. Students selected for this project will receive credit for the work they do in accordance with the credit rules for all other clinical programs.

**Spring 2011 - Tara Thompson, Russell Ainsworth, Elizabeth Wang, Jon Loevy**

**Family Law**
This course will examine the state’s role in recognizing and regulating personal relationships between adults and between adults and children. Specific topics include marriage, other partnerships, friendship, divorce and other forms of dissolution, reproductive rights, child support and custody, and the allocation of childrearing authority among parents, other caregivers and the state. Throughout the quarter, we will compare various legal and social meanings of family and explore assumptions about the family that underlie existing legal regulation.

A student’s grade will be based on a take-home final examination.

**Winter 2011 - Emily Buss**
Federal Courts from the Judge's Perspective
This seminar will take a close look at selected problems relating to the role of the federal courts in the United States. The problems will be chosen with an eye to both the frequency with which the federal courts currently encounter them and to the difficulty of the issues even if they make only rare, but predictable, appearances. The topics will change from year to year, but they will normally include the following: defining the scope and limits of the judicial power; Article III limitations such as standing, mootness, ripeness, and political questions; congressional control of the federal courts; non-Article III tribunals; subject matter jurisdiction – actual, potential, and optimal; actions against governmental units and officials, as well as related immunity doctrines; habeas corpus; standards of review; institutional reform litigation; and judicial federalism, including anti-injunction legislation, abstention doctrines, and Erie.
Winter 2011 - Diane Wood

Federal Criminal Justice Project
The Federal Criminal Justice Project's primary mission is to zealously represent indigent defendants charged with federal crimes while giving students a unique opportunity to practice in federal district court. The FCJP will represent clients from arrest through trial or guilty plea and sentencing, and will also represent clients on probation/supervised release, appeal, and beyond. Students will be assigned to cases in teams of two, and will advocate orally and in writing on behalf of their clients at every stage of the case. FCJP students will interview clients and witnesses; conduct and participate in bond hearings, preliminary hearings, arraignments, plea hearings, sentencing hearings, and trials; prepare and file written motions; negotiate with Assistant United States Attorneys and probation officers; and participate in investigations. In addition to representing individual clients, the FCJP will serve as an information clearinghouse and resource for Chicago federal criminal defense lawyers, and will work to address larger systemic problems. Students will learn to represent clients at every stage of a federal criminal case by attending required weekly supervision sessions that will include skills exercises and simulations, as well as lectures and discussions.
Given the intensity and timeline of federal criminal cases, students are required to commit to three quarters in the FCJP, and will receive a total of six credits (averaging out to two credits per quarter). The prerequisites are Evidence, Criminal Procedure I, and the Intensive Trial Practice Workshop. In addition, students in the clinic are required to take Criminal Procedure II: The Federal Adjudicative Process. It is strongly recommended that FCJP students take Criminal Procedure II during the fall quarter of their third year, contemporaneously with their clinic work.
Autumn 2010 - Alison Siegler, Jennifer Vollen-Katz

Federal Criminal Justice Project
The Federal Criminal Justice Project's primary mission is to zealously represent indigent defendants charged with federal crimes while giving students a unique opportunity to practice in federal district court. The FCJP will represent clients from arrest through trial or guilty plea and sentencing, and will also represent clients on probation/supervised release, appeal, and beyond. Students will be assigned to cases in teams of two, and will advocate orally and in writing on behalf of their clients at every stage of the case. FCJP students will interview clients and witnesses; conduct
and participate in bond hearings, preliminary hearings, arraignments, plea hearings, sentencing hearings, and trials; prepare and file written motions; negotiate with Assistant United States Attorneys and probation officers; and participate in investigations. In addition to representing individual clients, the FCJP will serve as an information clearinghouse and resource for Chicago federal criminal defense lawyers, and will work to address larger systemic problems. Students will learn to represent clients at every stage of a federal criminal case by attending required weekly supervision sessions that will include skills exercises and simulations, as well as lectures and discussions. Given the intensity and timeline of federal criminal cases, students are required to commit to three quarters in the FCJP, and will receive a total of six credits (averaging out to two credits per quarter). The prerequisites are Evidence, Criminal Procedure I, and the Intensive Trial Practice Workshop. In addition, students in the clinic are required to take Criminal Procedure II: The Federal Adjudicative Process. It is strongly recommended that FCJP students take Criminal Procedure II during the fall quarter of their third year, contemporaneously with their clinic work.

Winter 2011 - Alison Siegler, Jennifer Vollen-Katz

Federal Criminal Justice Project
The Federal Criminal Justice Project’s primary mission is to zealously represent indigent defendants charged with federal crimes while giving students a unique opportunity to practice in federal district court. The FCJP will represent clients from arrest through trial or guilty plea and sentencing, and will also represent clients on probation/supervised release, appeal, and beyond. Students will be assigned to cases in teams of two, and will advocate orally and in writing on behalf of their clients at every stage of the case. FCJP students will interview clients and witnesses; conduct and participate in bond hearings, preliminary hearings, arraignments, plea hearings, sentencing hearings, and trials; prepare and file written motions; negotiate with Assistant United States Attorneys and probation officers; and participate in investigations. In addition to representing individual clients, the FCJP will serve as an information clearinghouse and resource for Chicago federal criminal defense lawyers, and will work to address larger systemic problems. Students will learn to represent clients at every stage of a federal criminal case by attending required weekly supervision sessions that will include skills exercises and simulations, as well as lectures and discussions. Given the intensity and timeline of federal criminal cases, students are required to commit to three quarters in the FCJP, and will receive a total of six credits (averaging out to two credits per quarter). The prerequisites are Evidence, Criminal Procedure I, and the Intensive Trial Practice Workshop. In addition, students in the clinic are required to take Criminal Procedure II: The Federal Adjudicative Process. It is strongly recommended that FCJP students take Criminal Procedure II during the fall quarter of their third year, contemporaneously with their clinic work.

Spring 2011 - Alison Siegler, Jennifer Vollen-Katz

Federal Criminal Law
This course, taught by two Assistant United States Attorneys in Chicago, will expand students’ knowledge of the scope and application of federal criminal law, and will challenge students to think and act as practicing prosecutors and defense attorneys.
The course will review five major areas of federal criminal law: (1) the role and scope of the federal criminal system; (2) narcotics and money laundering prosecutions; (3) the use of informants; (4) public corruption and mail fraud; and, (5) racketeering. Students will gain a working knowledge of the relevant case law on these topics, and will also review real cases prosecuted in federal court in the Northern District of Illinois. This course is unique in that it will incorporate a practical component into the last four of these subject areas. First, after we lecture one week on federal narcotics laws, students will spend the following week writing and arguing a motion to suppress based upon a narcotics fact pattern we provide. (We will divide the course evenly between prosecutors and defense attorneys.) Second, after we teach the public corruption/mail fraud topic, students will be required to submit and then argue a motion to dismiss an indictment. Third, in connection with the racketeering unit, students will give a short closing argument. Fourth, after discussing the use of cooperators and informants, students will either direct or cross examine a typical cooperating witness. Evidence and Criminal Procedure I are recommended but not required prerequisites. Because of the practical component, class size will be strictly limited to 12 students. Students will submit for grading all four written exercises (i.e., motion to suppress, witness examination outline, motion to dismiss and closing argument outline), and will present or argue two of these assignments. These four written and two oral exercises will provide most of the basis for their grade. The four writings, up to ten pages each, will form the basis for 50 percent of each student’s grade. The practical exercises will form the basis for 20 percent of each student’s grade. Lastly, to foster discussion on every topic covered, class participation will comprise 30 percent of each student’s grade.

Spring 2011 - Lisa Noller, Daniel Rubinstein

Federal Jurisdiction
This course will consider the role of the federal courts in the federal system. Topics will include the power of Congress to expand or contract the jurisdiction of the federal courts, federal question jurisdiction, litigation against federal and state governments and their officials, direct and collateral review of state-court decisions, abstention, and related doctrines.

Constitutional Law I is highly recommended. The student’s grade is based on a proctored final examination and class participation.

Autumn 2010 - Alison LaCroix

Federal Jurisdiction
The role of the federal courts in the federal system. Topics will include federal question and admiralty jurisdiction, litigation against federal and state governments and their officials, abstention and related doctrines, direct and collateral review of state-court decisions, standing and other justiciability doctrines, and congressional control of the jurisdiction of the federal courts.

Constitutional Law I is recommended, but not required. The student’s grade is based on class participation and a final examination. Students must be available for potential make-up meetings Wednesdays 6:00-8:00 p.m.

Spring 2011 - Adam Mortara
Federal Regulation of Securities
This course covers the basic economic and legal principles of public equity markets. We will look at the public offering (IPO) and private placement process in some detail, paying special attention to the key securities statutes and the complex rules issued by the Securities and Exchange Commission. We will also examine the basic principles of trading, including tender offers, private securities actions, and damages. The economics of finance and capital markets is employed to assist the analysis. Corporation Law/Business Association I is a prerequisite, although it may be taken concurrently. Grades will be based on class participation and a standard final examination.
Winter 2011 - M. Todd Henderson

Federal Reserve System
In light of the recent financial crisis, the Federal Reserve’s central role in responding to it, and the expansion of the Federal Reserve’s responsibilities under the recent financial reform law, this seminar will explore the Federal Reserve System. The seminar will begin with a primer on monetary policy to understand the purpose of a central bank. We review the history of the US Federal Reserve System, including the compromises that explain its peculiar structure. The seminar will describe the organization of the Federal Reserve (and how it compares to other agencies) and the various acts that expanded its powers and provided for oversight of the Fed. Finally, we will engage the various policy debates about the role and power of the Fed during the recent financial crisis and in its aftermath.
Spring 2011 - Anup Malani, Eric Posner

Federal Sentencing: Balancing Judicial and Prosecutorial Discretion
The Supreme Court has dramatically changed the federal sentencing landscape in recent years, making federal sentencing the least settled and most dynamic area of federal criminal jurisprudence. This seminar examines the recent federal sentencing revolution in the context of the history of federal sentencing. We will study the Federal Sentencing Guidelines and recent Supreme Court cases that struggle to define the Guidelines’ proper role in sentencing. A central focus of the seminar will be the ongoing struggle to balance judicial discretion and prosecutorial discretion, and the fundamental tension this creates between the executive branch and the judiciary. The seminar will also focus on the ongoing debate over sentencing disparities. Reading materials are varied and include Supreme Court and lower court cases, the Federal Sentencing Guidelines, law review articles, Sentencing Commission studies and reports, and Department of Justice internal directives. Various guest speakers will visit class, including federal district court judges and an Assistant United States Attorney. Students will be expected to complete a 20-25 page practice-oriented research and writing assignment based on an actual federal case. Students will be graded based on their written submissions and class participation.
Spring 2011 - Alison Siegler
Feminist Philosophy
The course is an introduction to the major varieties of philosophical feminism: Liberal Feminism (Mill, Wollstonecraft, Okin, Nussbaum), Radical Feminism (MacKinnon, Andrea Dworkin), Difference Feminism (Gilligan, Held, Noddings), and Postmodern "Queer" Feminism (Rubin, Butler). After studying each of these approaches, we will focus on political and ethical problems of contemporary international feminism, asking how well each of the approaches addresses these problems. Undergraduates may enroll only with the permission of the instructor.
Spring 2011 - Martha C Nussbaum

Financial Accounting
The course is presented from the perspective of a practicing lawyer who must apply an understanding of accounting principles to provide relevant and accurate legal advice. While the course focuses on the fundamentals such as the balance sheet, the income statement and the statement of cash flows, it concentrates on their application in typical legal practice settings such as contracts, mergers and acquisitions, shareholder reporting, regulatory reporting, bankruptcy and litigation. The course also includes an intense discussion of financial accounting irregularities and financial fraud.
Winter 2011 - David Bowers

French Law Seminar
This course is intended for students who wish to get introductory knowledge of the French civil law system, serve French or international clients and organizations and conduct French or international legal transactions. The typical class session will consist of a presentation of a specific French law topic and related basic principles (including constitutional law, general civil law, corporation law, financial transactions, criminal law) followed by oral and written exercises giving students exposure to French court decisions, French statutes and other tools used by French legal practitioners.
Instruction will be in English. Students will be evaluated based on class participation and a few written assignments; a final examination may be delivered.
Autumn 2010 - Caroline Paranikas

Fundamentals of Accounting for Lawyers
This course will teach the basic fundamentals of accounting to better prepare you to recognize and understand financial business issues related to the practice of law. Topics include key accounting concepts, reading financial statements and financial statement analysis. The class sessions will include guest speakers presenting on current accounting hot topics such as Sarbanes Oxley, International Financial Reporting Standards (IFRS) and forensic accounting (investigating accounting frauds).
The class is designed for those who have never taken an accounting class and/or have little financial background. There are no prerequisites but you should not take this class if you have taken an accounting class before or if you have experience in finance or accounting. Grades will be based on papers and a final examination.
Autumn 2010 - Philip Bach, Melissa Dugan
Greenberg Seminar: Crime and Politics in Charm City: A Portrait of the Urban Drug War
We will explore the works of David Simon and Ed Burns on crime, politics, and policing in the City of Baltimore, including “Homicide: A Year on the Killing Streets,” “The Corner: A Year in the Life of an Inner City Neighborhood,” and “The Wire.” The two writers focus particularly on the drug war – the economics and violence of the trade; the culture of the police bureaucracy; alternative law enforcement strategies such as informants and wiretapping; the politics of race, crime rates, and legalization; and the effects of addiction. But they also explore, within Baltimore, the effects of declining blue collar jobs and weakening labor unions; the effects of race, incumbency, and corruption on local politics; the challenges and failures of urban education and child welfare agencies; and the role of the city newspaper in self-governance.
Preference is given to 3L students. Graded Pass/Fail
Autumn 2010 - Jonathan Masur, Richard McAdams

Greenberg Seminar: Evil Markets
If there is an orthodoxy at the University of Chicago, it is there are enormous welfare gains to be had from voluntary trade—the virtue of markets. But not all markets are self-evidently welfare enhancing. This Greenberg seminar looks at potentially “bad” markets—sex, drugs, terrorism financing, corruption, and criminal gangs. What happens when markets go bad? What should we do to curtail the harms from those markets? And what do we learn more generally about the operation and limitations of the market principle? We will read work by journalists, sociologists, and even perhaps economists to try to answer these questions and more.
Preference is given to 3L students. Graded Pass/Fail
Autumn 2010 - M. Todd Henderson, Aziz Huq

Greenberg Seminar: Food Law
Many aspects of people’s consumption of food are affected by legal rules. The seminar will explore a variety of social policies related to food, and how they have been reflected in the law, in the past and in the present. Possible issues include everything from genetically modified food to food labeling to price and nutrition controls. The seminar is offered for 1 credit, 5 meetings. The meetings will be held on Wednesday evenings (7:30-9:30 p.m.) and rotate between the instructors’ homes. Food, needless to say, will be served.
Preference is given to 3L students. Graded Pass/Fail
Autumn 2010 - Douglas Baird, Omri Ben-Shahar

Greenberg Seminar: Judicial Review and Alternatives
This reading group will explore classic and more recent scholarship in favor of and opposed to the institution of judicial review. We will select the precise reading list together as a group, but the tentative list includes The Will of the People by Barry Friedman and The Living Constitution by David Strauss. We anticipate 4-6 sessions spread throughout the year.
Preference is given to 3L students. Graded Pass/Fail
Autumn 2010 - Adam Cox, Jacob Gersen
Greenberg Seminar: Milton and the Law
We will study some major works of Milton, including Paradise Lost, the essay on Divorce, Areopagitica, Samson Agonistes, and two essays on governance, with attention to their political, religious, and rhetorical qualities. Among the issues on which the seminar will focus are Milton's theory of punishment, his theory of governance, and his religious views. Students who are interested should send a letter of application to all three instructors, by September 1 if possible. Graded Pass/Fail
Autumn 2010 - Alison LaCroix, Martha C Nussbaum, Richard Posner

Greenberg Seminar: New Books in Foreign Policy
This Greenberg seminar will consider several important foreign policy issues, possibly including the Rise of China, nuclear proliferation, Middle East peace, and other hot topics. The seminar will discuss the potential impact of these issues on international affairs generally and on US foreign policy specifically. The selection of books may be adjusted throughout the year depending on what issues arise. Autumn meetings days will be Thursday 21 Oct and Wednesday 17 Nov, 7 p.m. Preference is given to 3L students. Graded Pass/Fail
Autumn 2010 - Daniel Abebe, Thomas Ginsburg

Greenberg Seminar: Optimism and Pessimism
This Seminar will meet (in our home) on five Thursday evenings over the course of the Winter and Spring quarters. Many popular books warn of crises, ranging from global warming to holy wars and to spoiled children. But there are a few that predict the flourishing of humanity. In this Greenberg Seminar we will read some of each, and think together about the quality of their arguments and the nature of optimism and pessimism. On the pessimism side, we might begin with Storms of My Grandchildren: The Truth about the Coming Climate Catastrophe and our Last Chance to Save Humanity. As for optimism, we can read The Rational Optimist: How Prosperity Evolves. Other reading suggestions – or even films - are welcome. If you join us, you will be unable to take on another Thursday evening seminar in the Winter or Spring for our sessions will meet from 7:30-9:30 or so. We will invite another faculty member or other guest to most sessions, in order to enjoy other perspectives. Preference is given to 3L students. Graded Pass/Fail
Autumn 2010 - Saul Levmore, Julie Roin

Health Law and Policy
This course explores the policies that underlie regulation of the provision of health care in the United States. We will begin with an examination of the principal government programs for financing the delivery of health care in America - Medicare and Medicaid. This first part of the course will focus on how these programs seek to resolve the tension between controlling costs, promoting quality, and assuring access. Focus will then move to a consideration of policy issues relating to managed care organizations, including the functioning of these organizations and the impact of ERISA on
their actions. Next, we will study issues relating to the behavior of physicians, hospitals, and other health care institutions. Included will be a focus on the impact of the antitrust, labor, and tax laws on these entities. The student may choose to take a proctored final examination (there will not be an exam option unless at least 8 students opt for the exam) or to submit a paper. The grade will be based on the examination or paper, as well as class participation.

Autumn 2010 - Jack Bierig

**Higher Education And the Law**

The university has long maintained that its history and role as a creator of knowledge and refuge for society’s critics require that the government and the courts extend a special respect to the academy’s need to govern itself. This seminar discusses how the courts have dealt with this argument in areas such as academic freedom; student admissions and discipline; faculty tenure, dismissal, and unionization; and teaching and research restrictions. Discussions focus on the competing interests of society and the university and the role of the courts in balancing these interests. The student’s grade is based on class participation and a major or substantial paper.

Winter 2011 - Arthur M Sussman

**Immigrant Children’s Advocacy Project**

The Immigrant Children’s Advocacy Project works to promote the best interests of unaccompanied immigrant children in the United States. Last year, 7,787 undocumented children - traveling by themselves, without parents - were apprehended and detained by immigration authorities as they tried to enter the United States, primarily from Central America, Mexico, China and India. The children have been transported by hired smugglers or have made the journey on their own. Most are fleeing extreme poverty, political or religious persecution, child labor and abusive family situations. The Project provides unaccompanied immigrant children with guardians ad litem (Child Advocates) whose objective it is to help figure out what brought the children to the United States and advocate on their behalf while they are subject to immigration court removal proceedings. The Project also develops policy recommendations concerning unaccompanied children nationally, informed by serving as guardian ad litem for individual children. Students will be assigned to serve as Child Advocate for individual children in federal custody as well as children living with sponsors in the Chicago area. Students will be expected to meet with the children at least once a week at the shelter on the North side of Chicago; identify the children’s eligibility for relief from removal, including asylum and special visas for victims of trafficking, abuse and abandonment; accompany the children to Immigration Court, Cook County Juvenile Court, meetings with United States government officials, and meetings with consular officials from the children’s country of origin; conduct legal research to support children’s claim for relief from removal in cooperation with attorneys representing the children in Immigration Court, before the Board of Immigration Appeals and the Seventh Circuit; identify and represent the children’s best interests; conduct factual research regarding children’s presence in the United States, including reasons for departure from country of origin, journey, and time in the United States preceding apprehension, if any; research conditions in the children’s countries of origin (e.g., political and economic conditions); develop written recommendations regarding children’s best interests; write advocacy briefs on behalf of individual chil-
The Immigrant Children’s Advocacy Project

The Immigrant Children’s Advocacy Project works to promote the best interests of unaccompanied immigrant children in the United States. Last year, 7,787 undocumented children - traveling by themselves, without parents - were apprehended and detained by immigration authorities as they tried to enter the United States, primarily from Central America, Mexico, China and India. The children have been transported by hired smugglers or have made the journey on their own. Most are fleeing extreme poverty, political or religious persecution, child labor and abusive family situations. The Project provides unaccompanied immigrant children with guardians ad litem (Child Advocates) whose objective it is to help figure out what brought the children to the United States and advocate on their behalf while they are subject to immigration court removal proceedings. The Project also develops policy recommendations concerning unaccompanied children nationally, informed by serving as guardian ad litem for individual children. Students will be assigned to serve as Child Advocate for individual children in federal custody as well as children living with sponsors in the Chicago area. Students will be expected to meet with the children at least once a week at the shelter on the North side of Chicago; identify the children’s eligibility for relief from removal, including asylum and special visas for victims of trafficking, abuse and abandonment; accompany the children to Immigration Court, Cook County Juvenile Court, meetings with United States government officials, and meetings with consular officials from the children’s country of origin; conduct legal research to support children’s claim for relief from removal in cooperation with attorneys representing the children in Immigration Court, before the Board of Immigration Appeals and the Seventh Circuit; identify and represent the children’s best interests; conduct factual research regarding children’s presence in the United States, including reasons for departure from country of origin, journey, and time in the United States preceding apprehension, if any; research conditions in the children’s countries of origin (e.g., political and economic conditions); develop written recommendations regarding children’s best interests; write advocacy briefs on behalf of individual children, incorporating international human rights principles and country-specific legal and factual research; and advocate on the children’s behalf with the Office of Refugee Resettlement, Department of Homeland Security and Executive Office for Immigration Review in whatever context is necessary.

Students are required to have moderate language skills in Spanish, Mandarin, Hindi or Gujarati. Students will also be required to undergo a DCFS background check (which includes: Sex Offender Clearance, CANTS Clearance, Illinois State Police and FBI Clearance as well as fingerprinting) and medical clearance (tuberculosis screening). See the general rules for all clinical courses for further details governing enrollment and the award of credit.

Autumn 2010 - Jennifer Nagda, Maria Woltjen
Immigrant Children’s Advocacy Project

The Immigrant Children’s Advocacy Project works to promote the best interests of unaccompanied immigrant children in the United States. Last year, 7,787 undocumented children - traveling by themselves, without parents - were apprehended and detained by immigration authorities as they tried to enter the United States, primarily from Central America, Mexico, China and India. The children have been transported by hired smugglers or have made the journey on their own. Most are fleeing extreme poverty, political or religious persecution, child labor and abusive family situations. The Project provides unaccompanied immigrant children with guardians ad litem (Child Advocates) whose objective it is to help figure out what brought the children to the United States and advocate on their behalf while they are subject to immigration court removal proceedings. The Project also develops policy recommendations concerning unaccompanied children nationally, informed by serving as guardian ad litem for individual children. Students will be assigned to serve as Child Advocate for individual children in federal custody as well as children living with sponsors in the Chicago area. Students will be expected to meet with the children at least once a week at the shelter on the North side of Chicago; identify the children’s eligibility for relief from removal, including asylum and special visas for victims of trafficking, abuse and abandonment; accompany the children to Immigration Court, Cook County Juvenile Court, meetings with United States government officials, and meetings with consular officials from the children’s country of origin; conduct legal research to support children’s claim for relief from removal in cooperation with attorneys representing the children in Immigration Court, before the Board of Immigration Appeals and the Seventh Circuit; identify and represent the children’s best interests; conduct factual research regarding children’s presence in the United States, including reasons for departure from country of origin, journey, and time in the United States preceding apprehension, if any; research conditions in the children’s countries of origin (e.g., political and economic conditions); develop written recommendations regarding children’s best interests; write advocacy briefs on behalf of individual children, incorporating international human rights principles and country-specific legal and factual research; and advocate on the children’s behalf with the Office of Refugee Resettlement, Department of Homeland Security and Executive Office for Immigration Review in whatever context is necessary.

Students are required to have moderate language skills in Spanish, Mandarin, Hindi or Gujarati. Students will also be required to undergo a DCFS background check (which includes: Sex Offender Clearance, CANTS Clearance, Illinois State Police and FBI Clearance as well as fingerprinting) and medical clearance (tuberculosis screening). See the general rules for all clinical courses for further details governing enrollment and the award of credit.

Spring 2011 - Jennifer Nagda, Maria Woltjen
Immigration Law and the Rights of Noncitizens
This course provides a basic introduction to U.S. immigration law and policy, with a particular focus on how immigration law relates to broader concerns in the structure of our constitutional system. Topics include the sources and scope of the federal government’s constitutional authority to regulate immigration, the structure of the immigrant admission and deportation system, the status and conditions of undocumented immigrants, and the ongoing debates about immigration reform.
Students may take this course concurrently with the Refugee and Asylum Law seminar, as the two courses are designed to complement one another. Students’ grades will be based on a take-home final exam and class participation.
Autumn 2010 - Adam Cox

Information Technology Law: Complex Industry Transactions
Information Technology is the engine of growth for the emerging economy. From B2B exchanges, to wireless/mobile computing, to e-marketplace web design and development, IT is changing the nature of business today. Accordingly, traditional legal concepts are under pressure to adapt to ever-evolving business models. This seminar provides an overview of complex IT transactions and the commercial and legal principles governing these transactions. Study materials will be drawn from actual contracts and other relevant materials, and emphasis will be placed on developing an understanding of the interaction of commercial needs and legal requirements, including those found in corporate, contracts, intellectual property, and other legal practice areas. Participants will develop an understanding of specific contractual, risk, and warranty clauses and practice pitfalls. From time-to-time, senior industry executives will join the seminar to provide "real world" experience.
The student’s grade is based on periodic short written exercises (40 percent), take-home examination (40 percent), and class participation, including participation in mock negotiations (20 percent).
Autumn 2010 - David Zarfes

Institute for Justice Clinic on Entrepreneurship
The Institute for Justice Clinic on Entrepreneurship, or IJ Clinic, provides legal assistance to local lower-income entrepreneurs who are pursuing the American Dream on a shoestring. Students in the IJ Clinic advise clients on issues such as business formation; license and permit application; contract and lease review; contract negotiations; intellectual property protection; and basic tax and regulatory compliance. Students are involved in all phases of client representation and have the opportunity to interview and counsel clients; draft business documents and contracts; negotiate with contractors, investors, or lenders; prepare documents for filing; and occasionally represent clients before administrative bodies. Students gain both practical skills in transactional lawyering and a deep understanding of the entrepreneur’s role in the inner city.
Academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff. The seminar Entrepreneurship & The Law is a prerequisite but may be taken as a corequisite by students entering the IJ Clinic as a 3L. Students on the lottery list who took the prerequisite as 2Ls will be given priority for admission to the IJ Clinic as 3Ls.
Autumn 2010 - Beth Milnikel
The Institute for Justice Clinic on Entrepreneurship
The Institute for Justice Clinic on Entrepreneurship, or IJ Clinic, provides legal assistance to local lower-income entrepreneurs who are pursuing the American Dream on a shoestring. Students in the IJ Clinic advise clients on issues such as business formation; license and permit application; contract and lease review; contract negotiations; intellectual property protection; and basic tax and regulatory compliance. Students are involved in all phases of client representation and have the opportunity to interview and counsel clients; draft business documents and contracts; negotiate with contractors, investors, or lenders; prepare documents for filing; and occasionally represent clients before administrative bodies. Students gain both practical skills in transactional lawyering and a deep understanding of the entrepreneur’s role in the inner city.

Academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff. The seminar Entrepreneurship & The Law is a prerequisite but may be taken as a corequisite by students entering the IJ Clinic as a 3L. Students on the lottery list who took the prerequisite as 2Ls will be given priority for admission to the IJ Clinic as 3Ls.

Winter 2011 - Beth Milnikel

Insurance Law
We will examine the asset, liability, operational, accounting, and capital regulation at the state level for insurance companies. We will focus on life company regulation. We will examine the interaction of governance and regulation from the perspective of those who exert control of the decision makers of state regulated insurers, including state insurance commissions, Federal Home Loan Banks, wholesale distributors of
insurance products, policyholders, guaranty funds, statutory and GAAP accounting standards, and taxation for life companies. Students will learn substantial amounts of insurance finance and economics along the way.

Autumn 2010 - Jeffrey Lange

**Intellectual Property Litigation: Advanced Issues**

Intellectual Property litigation provides a framework for exploring complex federal civil litigation practice. This course will provide both insights into the practice of the trial lawyer as well as analysis of central intellectual property law concepts. Using case studies, we will examine issues such as the tactical and practical dimensions of preliminary injunction practice; the use of experts to address specialized subject matter, including the use of market research surveys to prove consumer perception; availability of equitable remedies; and persuasive trial presentation of complex facts. Trademarks and Unfair Competition is a prerequisite to taking this course, and completion of Evidence is helpful. Grades will be based on class participation, oral arguments on motions, and written briefs

Winter 2011 - Douglas Masters

**Intensive Trial Practice Workshop**

This practicum teaches trial preparation, trial advocacy, and strategy through a variety of teaching techniques, including lectures and demonstrations, but primarily through simulated trial exercises. Topics include opening statements, witness preparation, direct and cross examination, expert witnesses, objections at trial, and closing argument. Practicing lawyers and judges are enlisted to provide students with lectures and critiques from varied perspectives. The practicum concludes with a simulated jury trial presided over by sitting state and federal court judges.

Open to J.D. students only. Evidence is a prerequisite. Students taking the Intensive Trial Practice Workshop may enroll in Pre-Trial Advocacy. Completion of this workshop partially satisfies one of the requirements for admission to the trial bar of the United States District Court for the Northern District of Illinois. This practicum is open only to students entering their 3L year and limited to 54 with preference given to students who have been accepted into a Clinic course. Students who have taken Trial Advocacy (LAWS 67603), Poverty and Housing Law Clinic (LAWS 90512), or Trial Practice: Strategy and Advocacy (LAWS 91702) may not take this course. This practicum is offered for approximately six hours/day during the two weeks prior to the beginning of the Autumn Quarter. The student’s grade is based on class participation.

Autumn 2010 - Herschella Conyers, Craig Futterman, Mark Heyrman

**International Arbitration**

This course gives students a basic foundation in the mechanics of international commercial arbitration as an important tool for the resolution of international disputes. With the emergence of the global economy and the explosive growth of cross-border transactions, mergers and acquisitions as well as multinational joint ventures, parties are increasingly unwilling to accept the risks of litigation in the local courts of their foreign business partners. In this situation, arbitration is the preferred mechanism of dispute resolution because it avoids the choice between the civil justice system of either one party or the other and instead provides a truly neutral forum.
Topics include the relative advantages and disadvantages of ad hoc UNCITRAL-style arbitration and institutional arbitration (ICC, AAA, etc.), the drafting of effective international arbitration agreements, the rules of procedure that govern international arbitration which try to strike a balance between common-law-style and civil-law-style litigation (regarding the availability and extent of discovery, the introduction of witnesses and experts etc.), and the enforcement of foreign arbitral awards. The course also provides an understanding of the challenging tactical choices that frequently confront international arbitration practitioners.

The student's grade is based upon a written in-class exam.

Winter 2011 - Gerhard Wagner

International Debt Finance: The Sovereign/Eurozone Crisis

This seminar will examine the evolution of the international debt market, with special focus on how nations raise capital on the global debt markets. In particular, given the current crisis in Europe, we will build the semester towards being able to have a sophisticated understanding of the legal issues involved in a potential restructuring of the debts in a Eurozone nation such as Greece. Among the topics that will be addressed will be Odious Debts, Vulture Funds, Gunboat Diplomacy, Sovereign Bankruptcy and the role of the IMF.

There will be no exam. Students will be expected to do presentations and turn in a research paper at the end of the term.

Autumn 2010 - Mitu Gulati

International Environmental Law

This seminar examines how global resources can be protected within an international legal framework where state actors reign supreme. Sources of international environmental law and associated enforcement mechanisms will be discussed with reference to various environmental problems such as loss of biodiversity, climate change, ozone depletion, trans-boundary air pollution, and oil spills. The relationship between trade, development, and environmental protection will receive particular attention throughout the seminar, as will issues arising from the evolving role of non-state actors.

The student’s grade will be based on class participation and a major paper. Writing for this seminar may be used as partial fulfillment of the JD writing requirement (Writing Project).

Winter 2011 - Georgie Geraghty

International Trade Law

This course examines the law and policy of international trade in goods and services. It begins with an overview of the economics and politics of international cooperation on trade, and then moves on to study the core obligations that states have under the WTO/GATT rules. These rules address tariff and non-tariff barriers, discrimination of importers, regional trade agreements, anti-dumping duties, countervailing duties, and safeguards measures. We will discuss the negotiation, implementation and enforcement of international trade agreements, with a particular interest in the
relationship between free trade and other areas of international cooperation, such as environment, public health, intellectual property protection, human rights and development.

A student’s grade will be based on a take-home final examination and class participation.

Spring 2011 - Anu Bradford

Interstate Commerce’s Vital Orphan: Insurance Regulation and the 21st Century

This seminar, taught by the former Illinois insurance commissioner, will be organized around the question of whether Congress should create a federal insurance regulatory scheme, and will involve theoretical and practical discussions of federalism, politics, and markets. Although insurance is interstate commerce, and both the Supreme Court and Congress both state that no industry is more vital to our economy, the McCarran-Ferguson Act of 1945 delegates its regulation to the states, making it the only major industry without federal administrative oversight. In the last decade or so, we have seen the passage of the Gramm-Leach-Bliley (Financial Services Modernization) Act of 1999; the formation of the House Financial Services Committee in 2001; and the landmark health insurance and financial regulatory acts of 2010. But insurance, although a focal point of the 2008 financial meltdown and the largest domestic legislation in 45 years, still occupies an uncertain status in Federal law. The financial regulation bill creates a new Federal insurance office, and the health insurance bill gives the Dept. of Health and Human Services significant new powers over the industry. But neither creates a primary federal regulator of insurance. Is this new federal authority a first step toward primary federal regulation? Or the beginning of an era of extensive dual regulation? Would dual regulation be the best or worst of both worlds? We will consider these big picture issues through the prism of major Commerce and Supremacy Clause cases as well as public policy debate. We will also consider some basic questions pertaining to the substance of insurance regulation, including fundamental questions about the purpose of the regulatory state through study of issues like rate regulation and risk classification in property-casualty and health insurance, and property rights in the alienation of life insurance.

Grades will be based on short weekly papers (2 credits), with the option of doing a long research paper or adding a short research paper to the weekly papers (for three credits). Meets the WP graduation requirement. Attendance is required and particularly helpful participation may be a factor in the final grade.

Winter 2011 - Nathaniel Shapo

Introduction to Islamic Law

This seminar will introduce students to the basic theoretical principles of Islamic law and jurisprudence (usul-i-fiqh). The sources and methods of Islamic law (Qur’an, Sunna, consensus and reasoning by analogy) and the development of the four major schools of Sunni jurisprudence will be covered. We will explore the differences between Sunni and Shi‘i legal theory, and the relationship between theories of Islamic jurisprudence and government. We will cover the impact of secular western legal systems in the Muslim world and the response of modern Islamist movements. We will discuss the structuring of modern Islamic financial transactions and the growth of the Islamic finance industry. We will consider the status of women in Islamic law and Islamic feminist thought. We will also consider Islamic legal arguments for and
against political suicide bombings. This seminar intends to familiarize students with the theoretical framework which underpins Islamic law, equipping students to better analyze and understand current events.
Autumn 2010 - Cynthia Shawamreh

**Investment Management**
This seminar provides an introduction to the investment management industry—the development and distribution of investment advisory services and financial investment products to investors and retirement plans. Although the growth and development of the U.S. capital markets in the preceding 30 years has been remarkable, the increase in the size and significance of the investment management industry has been even more dramatic. While during the period from 1980 to the market’s peak in October 2007 the Dow Jones Industrial Average increased by an unprecedented rate of nearly 16-fold, during the same period the investment management industry increased by over 90-fold, with estimates of discretionary assets under management in the industry exceeding $13 trillion. This growth in the size of the industry is coupled with an increase in the breadth and complexity of the investment products offered, involving a broad array of disciplines with which legal advisers and industry participants need to have a basic familiarity. This seminar examines the basic regulatory framework—primarily the federal Investment Company Act and Investment Advisers Act—by analyzing selected issues involving the structure, management, marketing, and distribution aspects of mutual funds and other investment products. Other topics will be highlighted through analysis of the development of new investment products, such as ETFs and publicly offered hedge funds and private equity funds. The role of, and impact on, the investment management industry in regards to the recent financial market crisis will provide a framework for our discussions. This seminar will provide an introductory level analysis of certain core areas of the investment management industry, including portfolio management philosophies; basic characteristics of equity, fixed income, and alternative asset classes; the role of fund directors, conflicts of interest, and corporate governance issues; and distribution and marketing-related issues, including the impact of the Internet on financial product design and distribution.

A student’s grade will be based on a final examination. Active class participation is encouraged and may be a factor in the final grade. A student electing to write a 10- to 12-page paper in addition to taking the exam may receive three credits and will be graded on both the paper and the exam.
Winter 2011 - Tom Hale

**Irwin Askow Housing Initiative**
Students in the Housing Initiative provide legal representation to community-based housing developers, tenant groups, and other parties involved in the production of new or rehabilitated affordable housing stock. Students advise clients on structuring issues; negotiate, draft and review construction and financing contracts; secure zoning and other governmental approvals; assist clients in resolving compliance issues under the applicable state and federal housing programs; and participate in the preparation of evidentiary and closing documents. The Housing Initiative focuses on innovative transactions sponsored by community-based organizations on the south side of Chicago. In addition to working on specific transactions, students in the Housing
Project meet regularly as a group to discuss the substantive rules and legal skills pertinent to housing transactions and to examine emergent issues arising out of the students’ work.

Academic credit for the Housing Project varies and is awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical faculty.

Autumn 2010 - Jeffrey Leslie

**Irwin Askow Housing Initiative**

Students in the Housing Initiative provide legal representation to community-based housing developers, tenant groups, and other parties involved in the production of new or rehabilitated affordable housing stock. Students advise clients on structuring issues; negotiate, draft and review construction and financing contracts; secure zoning and other governmental approvals; assist clients in resolving compliance issues under the applicable state and federal housing programs; and participate in the preparation of evidentiary and closing documents. The Housing Initiative focuses on innovative transactions sponsored by community-based organizations on the south side of Chicago. In addition to working on specific transactions, students in the Housing Project meet regularly as a group to discuss the substantive rules and legal skills pertinent to housing transactions and to examine emergent issues arising out of the students’ work.

Academic credit for the Housing Project varies and is awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical faculty.

Winter 2011 - Jeffrey Leslie

**Irwin Askow Housing Initiative**

Students in the Housing Initiative provide legal representation to community-based housing developers, tenant groups, and other parties involved in the production of new or rehabilitated affordable housing stock. Students advise clients on structuring issues; negotiate, draft and review construction and financing contracts; secure zoning and other governmental approvals; assist clients in resolving compliance issues under the applicable state and federal housing programs; and participate in the preparation of evidentiary and closing documents. The Housing Initiative focuses on innovative transactions sponsored by community-based organizations on the south side of Chicago. In addition to working on specific transactions, students in the Housing Project meet regularly as a group to discuss the substantive rules and legal skills pertinent to housing transactions and to examine emergent issues arising out of the students’ work.

Academic credit for the Housing Project varies and is awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical faculty.

Spring 2011 - Jeffrey Leslie

**Jurisprudence I: Theories of Law and Adjudication**

An examination of classic jurisprudential questions in and around the theory of adjudication: the theory of how judges actually do decide cases and how they ought to decide them. These questions include: Do legal rules really constrain judicial deci-
sion-making? What makes a rule (or norm) a rule of the legal system? Are principles of morality legally binding even when such principles have not been enacted into a law by a legislature? (Relatedly, are there objective principles of morality?) When no legal norm controls a case, how ought judges to decide that case? Can there be right answers to legal disputes, even when informed judges and lawyers disagree about the answer? Are there principles or methods of legal reasoning that constrain judicial decision-making, or is legal reasoning essentially indeterminate, such that a skillful judge can justify more than one outcome for any given dispute? Is judicial decision-making really distinct from political decision-making of the sort legislators engage in? Readings drawn exclusively from major twentieth-century schools of thought - especially American Legal Realism (e.g., Karl Llewellyn, Jerome Frank), Natural Law (e.g., Ronald Dworkin, John Finnis), and Legal Positivism (e.g., H.L.A. Hart, Joseph Raz) - supplemented by other pertinent readings (from Leslie Green, Richard Posner, and the instructor, among others). No familiarity with either jurisprudence or philosophy will be presupposed, though some readings will be philosophically demanding, and the course will sometimes venture into (and explain) cognate philosophical issues in philosophy of language and metaethics as they are relevant to the core jurisprudential questions.

Take-home essay exam.

Autumn 2010 - Brian Leiter

Labor Law
This course examines the statutory, administrative, and judicial law governing collective labor relations. The principal subjects are union organizing and collective bargaining, with particular attention to the National Labor Relations Act. Students consider the strategies adopted by labor groups, employers, and legal actors in response to evolving economic and social conditions. The course draws on historical and comparative perspectives to evaluate emerging alternatives to the existing labor law regime.

Grading is based on class participation and a final examination.

Spring 2011 - Laura Weinrib

Law & The Development of Chicago
This seminar will explore the various ways in which the law has shaped, and continues to shape, the economic, social and physical landscape of the Chicago metropolitan area. Topics that may be covered include transportation policy, suburban sprawl, low-income housing, crime, segregation, gentrification, historic preservation, open-space and lake-front preservation.

Enrollment is limited to 16 students. Each student will write a research paper examining the law’s influence on economic, social and physical development in Chicago. The papers may address current challenges or historical issues. This seminar may be taken for fulfillment of the Substantial Research Paper graduation requirement.

Grades will be based on the paper and class participation.

Winter 2011 - Michael Schill
Law and Advances in Medicine
This seminar will address the intersection of medicine, science, and law, focusing on issues related to human research, informed consent, the "new genetics," and other advances in biotechnology.
Enrollment is limited to 14 students. Students will write a significant research paper, submitted in three stages, which can be used to satisfy part of the writing requirement and which will count for 50 percent of the grade. The other 50 percent will be based on class participation.
Spring 2011 - Julie Palmer

Law and Literature
This seminar will use the connections between law and literature to examine the development of law and the role of narrative in the practice of law. Through readings and discussion, legal themes will be critically analyzed, from their pre-law beginnings as wild justice through the development of law as an institution. Critical reading skills are as essential in understanding literary texts as they are in the interpretation of constitutions, statutes, rules, judicial opinions and documents. To provide imaginative illustrations of legal issues, selections will be read from great literature ranging from Beowulf and Shakespeare to works by Freud, Conrad, Kafka, and Melville.
There will be three short reaction papers and no final examination.
Winter 2011 - Randy Berlin

Law and Politics: U.S. Courts as Political Institutions
The purpose of this seminar is twofold. First, it introduces students to the political nature of the American legal system. In reviewing social science literature on courts, students focus on the relationship between the courts and other political institutions. The questions asked include the following: Are there interests that courts are particularly prone to support? What effect does congressional or executive action have on court decisions? What impact do court decisions have? Second, by critically assessing approaches to the study of courts, the course seeks to highlight intelligent and sound approaches. Particular concern focuses on assumptions students of courts have made, how evidence is integrated into their studies, and what a good research design looks like.
There will be a mandatory preliminary meeting for interested students in the Autumn; law student enrollment is limited to 8.
Winter 2011 - Gerald N Rosenberg

Law and Practice of Zoning, Land Use, and Eminent Domain
This seminar is a multi-disciplinary, multi-partisan discussion of the balance between private property rights and governmental regulation in land development. We primarily address (i) constitutional bases of private rights and public land use planning; (ii) eminent domain, takings and exactions (including impact fees and delays); (iii) current manifestations of local and regional planning and zoning, including City...
of Chicago Zoning Reform; and (iv) legal procedures and practical strategies for obtaining public financial incentives, land use approvals, and "relief" for real estate development projects, large and small.

Prior course work in real property and constitutional law are encouraged. Course materials include cases, academic and trade-group commentaries, press coverage, and narrative and graphic exhibits for specific development projects. The student’s grade is based on attendance, spirited class participation, and, at each student's election, either a paper or an open-book examination. Students writing a paper of 25 or more pages will earn 3 credit hours. Students taking the exam or writing a shorter paper of approximately 15 pages will earn 2 credit hours.

Autumn 2010 - Thomas Geselbracht, Theodore Novak, Paul Shadle

**Law of Business Structure and Finance**

This seminar examines the way firms organize and finance their operations. We will look both at legal theories of why firms choose certain organizational and capital structures as well as how those structures are implemented in practice. The first part of the seminar will examine the decision between producing goods or services internally and purchasing those items from external markets. We will look at how agency, contract, and corporate governance laws affect that decision and how the decision is executed in practice. The second part of the seminar will examine the legal structures that determine how firms finance their operations. For example, why do some firms take on secured debt while others issue new equity? We will consider theories of how various laws (agency, contracts, corporate governance, and bankruptcy) can impact the agency and monitoring costs that drive the financing decision and review the transactional considerations that accompany that decision.

Grades will be based on response papers and class participation.

Spring 2011 - Anthony Casey

**Law, Policy, and Theories of Nonprofit Organizations in the U.S.**

The vibrant nonprofit sector has been regarded as one of the marked characteristics of the American society. In recent decades, however, the sector has confronted a number of challenges, and substantially changed its shape and nature; nowadays, the nonprofit sector is more of “industry” than of almsgiving. Then, such transformation naturally makes (at least, some of) us wonder whether the traditional privileges of nonprofit organizations – most notably tax exemption – really make sense. After covering the basics of the law of nonprofit organizations, we will focus on this question – Are nonprofits really special? Issues to be covered by this seminar shall include the economic theory of nonprofit firm, donor standing against charities, federal and local tax exemption for charities, and the role of nonprofit organizations in our democratic society.

Introductory Income Taxation is a prerequisite, but may be taken concurrently. Grades will be based on a series of short reaction papers and class participation.

Winter 2011 - Takeshi Fujitani

**Law, Technology, and Case Management**

Technology is a vital component of modern legal practice. This seminar will focus on developing an understanding of the existing and developing technologies bearing upon the delivery of legal services to complex and multinational clients across a broad
array of legal disciplines, and using technology to plan, organize, and direct legal strategies and services. The topics to be covered in this class will include: Introduction to the technology of law. A taxonomy of legal knowledge tools; Artificial intelligence, expert systems, and document assembly; Knowledge tools in the corporate law office; Knowledge tools in small firm and legal aid practice; Court and government applications; Ethics- Malpractice through the mis-use or non-use of intelligent software. The instructors will be joined by experts from across the industry.

Grades will be based upon a take-home examination, class participation and a series of short papers written on topics discussed in class.

Spring 2011 - David Zarfes, Michel Gabard

Legal Challenges of Early Stage Companies: The Lawyer as an Entrepreneur

This seminar will explore the legal challenges that arise in taking a business concept and growing it into a sustainable entity. Tapping a number of legal disciplines, the seminar will examine how to identify a concept’s value proposition along with its risks. The seminar will further explore securing funding with an emphasis on raising money under safe-harbor provisions of current securities regulations. Students will identify, negotiate, and document potential new business concepts.

A student’s grade is based upon 3-4 short writing assignments and class participation.

Winter 2011 - Michael Kennedy

Legal Elements of Accounting

This mini-course introduces accounting from a mixed law and business perspective. It covers basic concepts and vocabulary of accounting, not so much to instill proficiency with the mechanics of debits and credits as to serve as a foundation from which to understand financial statements. The course then examines accounting from a legal perspective, including consideration of common accounting decisions with potential legal ramifications. It also analyzes throughout the reasons for and roles of financial accounting and auditing, as well as the incentives of various persons involved in producing, regulating, and consuming financial accounting information. The course will touch on some limitations of, and divergent results possible under, generally accepted accounting principles. Current cases, proposals, and controversies will be discussed.

Class will meet weeks 3 and 5 (4/11-15 and 4/25-29 respectively). Attendance and participation will be very important. Grades will be based on a take-home final examination and class participation. Students with substantial prior exposure to accounting (such as students with an MBA, joint MBA/JD, and undergraduate finance or accounting majors) must seek instructor permission to take the course and will be graded based on a medium-length term paper. Students may not take this class and any other introductory accounting course.

Spring 2011 - John Sylla

Legal Interpretation

Many challenges in law come from the difficulty of interpreting words—always incomplete, often old. This seminar explores different methods of resolving interpretive problems: “plain meaning,” its cousin textualism; a search for intent (“original,” presumed, or imputed); functional analysis; and so on. The seminar asks how the competing approaches to decoding texts stand up on different criteria, such as consis-
tency with principles of democratic governance (including the contributions of public choice theory) and the philosophy of language. Constitutional and statutory interpretation receive approximately equal emphasis.

Enrollment is limited to 20 students. The student’s grade is based on a series of short research papers. Successful completion of this seminar qualifies for the fulfillment of WP graduation requirement.

Winter 2011 - Frank Easterbrook

**Legal Profession**

This course, which satisfies the professional responsibility requirement, will consider the law and the ethics governing lawyers. Among the topics that will be examined are the nature of the lawyer-client relationship, competency, confidentiality, conflicts of interest, and some fundamental questions about who we are and what we stand for as lawyers.

A student’s grade is based on a final examination.

Spring 2011 - Barry Alberts

**Legal Profession: Ethics**

The course addresses ethical considerations raised during the practice of law, including strategic, practical, and moral considerations with which attorneys should be familiar. Using materials from a leading casebook, the rules, and cases or articles of particular interest, we will discuss both the rules and the ethical situations that lawyers face in a variety of situations. There will be a particular focus on the ambiguities of how to handle particularly difficult issues encountered in the practice of law and the rules and framework to which attorneys can turn in determining how to handle those issues.

Autumn 2010 - Adam Hoeflich

**Legal Profession: Shades of Gray**

In this course we will study the law and ethics of lawyering. We will consider the legal and ethical issues that often confront practicing lawyers. We will analyze and discuss court decisions, professional conduct rules, and various commentaries that provide guidance for practicing lawyers. We live in litigious times--we will also consider and discuss some loss prevention and risk management procedures followed by many law firms and corporate law departments. The course will be taught by an experienced corporate, securities, and loss prevention lawyer who organized and for many years chaired the Ethics and Loss Prevention Committee at Mayer Brown LLP.

The course satisfies the professional responsibility/ethics graduation requirement. Class attendance and participation are essential. The student’s grade will be based on class participation and an eight-hour take-home examination

Autumn 2010 - Harvey Nixon

**Legal Transactions--Retail Sector**

This seminar offers an overview of the U.S. high end retailing industry’s principal legal issues and challenges. This seminar will focus on luxury retailer relations with vendors and other third-party business associates, customers, and investors. The instructors will emphasize the practical interplay and tension between commercial realities and legal requirements. Students will develop an understanding of key licensing, intellectual property (including counterfeit goods), antitrust, corpo-
rate governance, and professional responsibility legal issues and practice pitfalls. The instructors will strive to demonstrate the increasing professional responsibilities and burdens to which in-house counsel are subject.

Course materials will include actual contracts, retailer policies and practices, litigation and internal-investigation documents, and other relevant materials. There are no prerequisites for this seminar, but the instructors believe that students who are interested in, and have some knowledge of, the many facets of business law, such as intellectual property, antitrust, and corporate governance, will derive the greatest benefit from this seminar. Grades will be based upon short written exercises (40 percent), a take-home examination (40 percent), and class participation (20 percent) - including participation in mock negotiations and business-planning exercises. The instructors will emphasize quality of oral and written expression and legal analysis.

Spring 2011 - David Zarfes, Tony Bangs

Legal Writing and Analysis
This seminar will focus on legal writing and legal practice in the context of American commercial transactions and is specifically designed for, and limited to, the LL.M. students. The class will introduce basic legal skills, emphasizing effective legal writing, including the structure and drafting of (a) correspondence to clients and senior lawyers in a firm or business, (b) letters of intent, (c) contracts, and (d) other corporate and business documents. Substantive areas of commercial law, legal issues, and negotiation will also be examined in the context of the various documents being studied by the class.

Enrollment is limited to 25 students. The seminar will be graded on a Pass/Fail basis. To pass the course, a student must attend class, participate therein, and successfully complete written assignments.

Winter 2011 - Chuck Edwards

Legislation and Statutory Interpretation
An understanding of legislative process and statutory interpretation is increasingly necessary as the influence of statutory law broadens to affect a wide range of legal issues. Solutions to many problems facing today’s lawyer involve knowledge of how legislation develops in Congress and understanding how laws will be interpreted by the judicial and executive branches. Students examine the contemporary legislative process, including the procedural rules that govern Congress and state legislatures; the role of interest groups; and the major methodological and doctrinal issues of statutory interpretation by courts and agencies. These issues are discussed from legal, economic, and political perspectives.

The student's grade is based on a final examination.

Spring 2011 - Aziz Huq

Managing Legal Risk in a Global Economy
NEED COURSE DESCRIPTION
Spring 2011 - Javier Rubinstein

Marriage
With the aim of making predictions and recommendations for the future, this course examines marriage as a state-sponsored institution, considering its history, its variants (e.g., common law marriage) and close substitutes (e.g., domestic partnership),
conceptual frameworks for analyzing it (e.g., analogies between marriage and the business corporation or partnership or relational contract), past and future variants on the joining of one man and one woman (e.g., polygamy and same-sex marriage), and the use of marriage as an ordering principle in various areas of law.

Undergraduate students need instructor permission to register. The grade is based on a series of short papers, final examination, or substantial paper (the latter only with permission of the instructor), with class participation taken into account.

Spring 2011 - Mary Anne Case

**Mass Torts and Complex Class Actions**

This course addresses legal and ethical requirements, as well as strategic and practical considerations, around handling mass tort and complex class action litigation. Using materials from recent and current cases, the instructors will lead discussion of topics about such topics as developing a theory of the case, consolidation of cases, use of dispositive motions, expert testimony, document production, witness preparation, settlement, and trial. Discussions will involve the recent Vioxx, Baycol, diet drug, Teflon, and Firestone litigations, among others.

Students will be evaluated on the basis of a comprehensive written analysis of a recent multidistrict litigation. Expectations: This course will be taught as a participatory seminar. Students will not be expected to have already taken a complex litigation course, but should be willing to seek out answers to legal questions as they arise. Students will be evaluated both on the quality of their participation, and on the basis of a comprehensive case analysis, 20-30 pages in length, of a recent multidistrict litigation identified by the instructors approximately half-way into the class.

Spring 2011 - Adam Hoeflich

**Mental Health Advocacy**

Mental Health Advocacy teaches litigation and other advocacy skills. Under the supervision of the clinical teacher, students engage in individual and systemic litigation and legislative and other advocacy on behalf of indigent, mentally ill clients of the Law School’s Edwin F. Mandel Legal Aid Clinic. With the permission of the clinical teacher, students may choose to focus on litigation, legislation, or both. Students engaged in litigation may interview clients and witnesses; research and draft pleadings and legal memoranda, including briefs to reviewing courts; conduct formal and informal discovery; negotiate with opposing counsel and others; conduct evidentiary hearings and trials; and present oral argument in trial and appellate courts. Students who have completed sixty percent of the credits needed for graduation may be licensed to appear, under the supervision of the clinical teacher, in state and federal trial and appellate courts pursuant to court rules and practices. Students engaged in legislative advocacy may research and draft legislation and supporting materials, devise and implement strategies to obtain the enactment or defeat of legislation, negotiate with representatives of various interest groups, and testify in legislative hearings. In addition to discrete advocacy skills such as cross-examination, discovery planning, and legislative drafting, the course aims to provide students with an understanding of
Mental Health Advocacy

Mental Health Advocacy teaches litigation and other advocacy skills. Under the supervision of the clinical teacher, students engage in individual and systemic litigation and legislative and other advocacy on behalf of indigent, mentally ill clients of the Law School’s Edwin F. Mandel Legal Aid Clinic. With the permission of the clinical teacher, students may choose to focus on litigation, legislation, or both. Students engaged in litigation may interview clients and witnesses; research and draft pleadings and legal memoranda, including briefs to reviewing courts; conduct formal and informal discovery; negotiate with opposing counsel and others; conduct evidentiary hearings and trials; and present oral argument in trial and appellate courts. Students who have completed sixty percent of the credits needed for graduation may be licensed to appear, under the supervision of the clinical teacher, in state and federal trial and appellate courts pursuant to court rules and practices. Students engaged in legislative advocacy may research and draft legislation and supporting materials, devise and implement strategies to obtain the enactment or defeat of legislation, negotiate with representatives of various interest groups, and testify in legislative hearings. In addition to discrete advocacy skills such as cross-examination, discovery planning, and legislative drafting, the course aims to provide students with an understanding of the relationships between individual advocacy tasks and the ultimate goals of clients, between litigation and legislative advocacy, and between advocacy on behalf of individual clients and advocacy for systemic change.

Prior to the beginning of the third year, students who intend to engage in litigation are required to complete Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. Prior or contemporaneous enrollment in either Legislation or Legislative Process is encouraged for students intending to engage in legislative advocacy. Prior or contemporaneous enrollment in Law and the Mental Health System is encouraged for all students. See the general rules for all clinical courses for further details concerning enrollment, including the rules governing the award of credit. Mental Health Advocacy satisfies part of the writing requirement if substantial written work is completed. Academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical teacher.

Autumn 2010 - Mark Heyrman
written work is completed. Academic credit varies and will be awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical teacher.

Winter 2011 - Mark Heyrman

Mental Health Advocacy
Mental Health Advocacy teaches litigation and other advocacy skills. Under the supervision of the clinical teacher, students engage in individual and systemic litigation and legislative advocacy on behalf of indigent, mentally ill clients of the Law School’s Edwin F. Mandel Legal Aid Clinic. With the permission of the clinical teacher, students may choose to focus on litigation, legislation, or both. Students engaged in litigation may interview clients and witnesses; research and draft pleadings and legal memoranda, including briefs to reviewing courts; conduct formal and informal discovery; negotiate with opposing counsel and others; conduct evidentiary hearings and trials; and present oral argument in trial and appellate courts. Students who have completed sixty percent of the credits needed for graduation may be licensed to appear, under the supervision of the clinical teacher, in state and federal trial and appellate courts pursuant to court rules and practices. Students engaged in legislative advocacy may research and draft legislation and supporting materials, devise and implement strategies to obtain the enactment or defeat of legislation, negotiate with representatives of various interest groups, and testify in legislative hearings. In addition to discrete advocacy skills such as cross-examination, discovery planning, and legislative drafting, the course aims to provide students with an understanding of the relationships between individual advocacy tasks and the ultimate goals of clients, between litigation and legislative advocacy, and between advocacy on behalf of individual clients and advocacy for systemic change.

Prior to the beginning of the third year, students who intend to engage in litigation are required to complete Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. Prior or contemporaneous enrollment in either Legislation or Legislative Process is encouraged for students intending to engage in legislative advocacy. Prior or contemporaneous enrollment in Law and the Mental Health System is encouraged for all students. See the general rules for all clinical courses for further details concerning enrollment, including the rules governing the award of credit. Mental Health Advocacy satisfies part of the writing requirement if substantial written work is completed. Academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical teacher.

Spring 2011 - Mark Heyrman

National Security Issues, Public Policy and the Rule of Law, and the Fostering of Students’ Skills in Analysis and Presentation

My purpose in offering this seminar is to further the students’ understanding of the application of Constitutional, treaty and statutory provisions to current national security issues, and, of equal importance (particularly in this period of a tighter job market for law school graduates), to help students improve their skills in analysis, research, and presentation - skills necessary to succeed in any aspect of the legal profession. This is not a survey course; topics covered will be selected from among: the process required by the Constitution and applicable treaties and statutes for determining the
status, treatment, and ultimate disposition of detainees being held within and outside the U.S., particularly at Guantanamo Bay, and in Afghanistan; indefinite incarceration without trial; the state secrets doctrine; claims against present or former government employees; the scope of the President's power under Article II of the Constitution and applicable statutes to act unilaterally in the 'war on terror', and the proper role of courts and lawyers in connection therewith; the absolute and relative capacity of Federal District Courts and Military Commissions to act lawfully and effectively in criminal cases involving alleged terrorists; torture and harsh interrogation techniques; electronic surveillance; implications for the rule of law of an asymmetrical, open-ended 'war on terror'; assassination; and rendition.

Students will form teams of 2-4 persons; each team will select, or be assigned to, a topic or realistic fact setting or case to analyze, research, write about, and present to the class, which will be expected to respond and participate on an informed basis. Prerequisite: Constitutional Law, or its equivalent. Grades will be based upon the oral presentation, classroom participation, and the team's 20-page paper due 4 weeks after the end of the quarter. All topics will be adjusted, as appropriate, to take account of current events.

Spring 2011 - Robert Helman

**Negotiation and Mediation**

This course will introduce the theory and practice of negotiation and mediation across various contexts, including deal-making and dispute resolution. It will give students an organized theoretical framework for analyzing various parties' positions and crafting thoughtful strategies. Students will develop their practical skills and individual styles through a series of simulation exercises, which will be executed inside and outside of class and then discussed and critiqued. Exposure to different techniques, styles, and contexts will be used to teach students what works best for them. Enrollment is limited to 24 students, with a preference given to third-year students. Grades will be based on in-class exercises, a series of reaction papers based on out-of-class assignments, and a final negotiation that will be observed and evaluated by the instructors.

Winter 2011 - Jeffrey Leslie, Randall Schmidt

**New Economic Order in the Post-American World**

This seminar discusses the ongoing shift in the balance of power that reshapes the international economic order. We will examine the rise of China, India and other emerging economies and analyze their impact in the regulation of the global economy. We will focus on the opportunities and challenges that the United States faces as it transitions to a multi-polar world. We will pay particular attention to the negotiation and enforcement of international trade agreements and the future of international institutions such as the United Nations, WTO, World Bank and IMF in the new economic order.

A student's grade will be based on short reaction papers and class participation.

Spring 2011 - Anu Bradford
Partnership Taxation
This course examines income tax aspects of partnerships. Partnerships have become a widely used business structure, particularly since the invention of limited liability companies (which are treated as partnerships for tax purposes) and the increase in the number of start-up ventures and sophisticated financial ventures such as hedge funds and private equity funds that rely upon partnership tax principles to maximize after-tax returns of investors and management. The course uses problem sets to illustrate the application of basic principles to formations, income and loss allocations, borrowings, and distributions of partnerships, with a special focus on applying the tax rules in a transactional setting.
Introductory Income Tax is a prerequisite. The student's grade is based on a final examination and class participation.
Spring 2011 - William Golden

Poverty and Housing Law
This seminar exposes students to the practice of poverty law work by giving them the opportunity to work on housing related cases at the Legal Assistance Foundation of Metropolitan Chicago, which provides free legal services to indigent clients in civil matters. Students will spend at least twelve hours per week in one of LA FMC's five neighborhood offices -located on Chicago's West Side, Northwest Side, in the Loop, and in Evanston and Harvey - or in LAFMC's Housing Law Project or Home Ownership Preservation Project (both of which are located in downtown Chicago). Students may be asked to appear with tenants at administrative grievance hearings, represent defendants in eviction or foreclosure actions, file suit to enjoin landlords from performing lock-outs or refusing to make necessary repairs, participate in ongoing federal litigation, advocate on behalf of tenant groups, comment on proposed federal housing regulations, and file bankruptcy petitions on behalf of subsidized-housing residents who are trying to preserve their tenancies. All students will be expected to interview clients, prepare written discovery, and draft motions. Students with 711 licenses may be asked to appear in court at status hearings, conduct depositions, argue contested motions, negotiate with opposing counsel, and participate in bench or jury trials. In addition to working at LAFMC, students will attend a weekly two-hour seminar at which they will learn about the laws governing the landlord-tenant relationship, eviction actions, foreclosures, public housing, the Section 8 tenant-based and project-based rental assistance programs, housing discrimination, the affordable housing crisis, and the preservation and production of affordable housing.
Enrollment is limited to twelve students. The seminar is taught by Lawrence Wood (supervisory attorney, LAFMC's Loop Service Office). Each student's grade is based on his or her class participation (20%), one paper-10 pages minimum (10%), and work at LAFMC (70%).
Winter 2011 - Lawrence Wood

Poverty and Housing Law
This seminar exposes students to the practice of poverty law work by giving them the opportunity to work on housing related cases at the Legal Assistance Foundation of Metropolitan Chicago, which provides free legal services to indigent clients in civil matters. Students will spend at least twelve hours per week in one of LA FMC's five neighborhood offices -located on Chicago's West Side, Northwest Side, in the Loop,
and in Evanston and Harvey - or in LAFMC's Housing Law Project or Home Ownership Preservation Project (both of which are located in downtown Chicago). Students may be asked to appear with tenants at administrative grievance hearings, represent defendants in eviction or foreclosure actions, file suit to enjoin landlords from performing lock-outs or refusing to make necessary repairs, participate in ongoing federal litigation, advocate on behalf of tenant groups, comment on proposed federal housing regulations, and file bankruptcy petitions on behalf of subsidized-housing residents who are trying to preserve their tenancies. All students will be expected to interview clients, prepare written discovery, and draft motions. Students with 711 licenses may be asked to appear in court at status hearings, conduct depositions, argue contested motions, negotiate with opposing counsel, and participate in bench or jury trials. In addition to working at LAFMC, students will attend a weekly two-hour seminar at which they will learn about the laws governing the landlord-tenant relationship, eviction actions, foreclosures, public housing, the Section 8 tenant-based and project-based rental assistance programs, housing discrimination, the affordable housing crisis, and the preservation and production of affordable housing. Enrollment is limited to twelve students. The seminar is taught by Lawrence Wood (supervisory attorney, LAFMC's Loop Service Office). Each student's grade is based on his or her class participation (20%), one paper-10 pages minimum (10%), and work at LAFMC (70%).

Spring 2011 - Lawrence Wood

Pre-Trial Advocacy
This seminar focuses on fundamental pretrial litigation strategies and skills, including creation and evaluation of legal and factual theories, pleading and motion practice, interviewing clients and witnesses, discovery planning, depositions, negotiations and pretrial preparation. The seminar employs a variety of learning methodologies, including lectures, small group discussions, simulated exercises, and videotaped performances by students. Evidence is a prerequisite. Students taking Pretrial Advocacy are also eligible to enroll in the Intensive Trial Practice Workshop. The student's grade is based on class participation. Enrollment is limited to 48 students with preference given to students who have been accepted into a clinic course.

Spring 2011 - Herschella Conyers, Craig Futterman, Mark Heyrman, Randall Schmidt, Randolph Stone, Alison Siegler

Private Equity Transactions: Issues and Documentation
This seminar will examine from a practical perspective the issues and documentation arising in a typical private equity acquisition transaction. The course will follow this type of transaction through its various stages and provide students in-depth and practical experience with common deal issues and drafting contractual provisions to address those issues. The goal of the seminar is to help prepare students for the practical aspects of being a deal lawyer. Course work will include reading acquisition contracts, cases and legal commentators and weekly written assignments (contract drafting and issue analysis).

Corporations/Business Associations I and Contracts are prerequisites. Grades will be based on class participation and the written assignments.

Winter 2011 - Stephen Ritchie, Mark Fennell
Professional Responsibility in the Real World
This course, which satisfies the professional responsibility requirement, addresses real world ethical issues and challenges facing attorneys in private practice and public service. The instructors, members of a major international law firm and a former general counsel (now Associate Dean), will make the rules governing the professional responsibilities of lawyers come alive by discussing a number of examples taken from the headlines and from daily practice. Along the way, the instructors will give meaningful insight into what it’s like to practice law in a broad range of practice areas, including transactions, litigation, and public service.
Class attendance and participation will be an essential and worthwhile aspect of this course. The student’s grade will be based on class participation, a series of short exercises, and an examination.
Winter 2011 - James Clark, Teresa Harmon, Michael Sweeney, David Zarfes

Public Corruption and the Law
This seminar will focus on how governments use the law to prevent and catch public corruption, how the law is sometimes used to protect public corruption, and how one should determine the optimal response to corruption and its consequences. We will examine the substantive criminal laws and sentencing schemes used in the best public corruption prosecutions, ranging from RICO and "honest services" fraud to bribery and extortion laws. We will also examine the laws that create, authorize, or prevent the most effective investigative tools used by law enforcement against public corruption, including wiretap laws and related privacy issues. We will study several key topics within public corruption law, including patronage, its effect on democratic institutions, and its status under the First Amendment; campaign finance reform and whether money in campaigns is protected speech or a corrupting influence (or both); and the relationship between transparency, online access to information, and corruption. We will also consider an economic analysis of public corruption, including questions about whether the level of democracy, and the pervasiveness of corruption in the culture, affect the cost-benefit analysis.
Constitutional Law I and II are recommended pre-requisites. Students taking the class for 3 credits write one short reaction paper (or short research paper if appropriate), and one major paper. Those taking it for 2 credits write several short reaction papers.
Spring 2011 - David Hoffman

Punishment and Social Theory
Since the modern period, the discourse on punishment has cycled through three sets of questions. The first, born of the Enlightenment itself, inquired into the foundations of the sovereign’s right to punish. With the birth of social sciences and critical theory, a second set of questions arose exploring the function of punishment—what is it that we do when we punish? A series of further critiques—of meta-narratives, of functionalism, of scientific objectivity—softened this line of inquiry and helped shape a third question: What is the cultural meaning of our punishment practices? Through readings in social and political theory—including Durkheim, Foucault, and the Frankfurt School—as well as more contemporary writings on punishment, this course will explore these modern debates over punishment practices and institutions.
Student can elect either a take-home exam or paper project for a grade.
Winter 2011 - Bernard Harcourt
Race and the Criminal Justice System
This seminar examines the intersection of race, class, and criminal justice in the United States exploring some of the following topics: policing and police accountability, prosecutorial discretion and misconduct, availability and quality of defense counsel, jury selection, juvenile justice, drug law policies, sentencing, incarceration, the collateral consequences of conviction, and the death penalty.
Enrollment will be limited to 20 students. A student’s grade will be based on class participation and reaction papers.
Spring 2011 - Randolph Stone

Readings in Legal Thought
Students in this seminar read a selection of important works in the development of Anglo-American legal thought. Subject areas and methodologies may include constitutional law, law and economics, legal history, the legal profession, empirical legal studies, etc. In the past, authors have included Bickel, Breyer, Calabresi, Frank, Holmes, Llewellyn, Mill, Posner, MacKinnon, Scalia, Sunstein, and others.
Enrollment is limited to 14 students, with preference given to third year J.D. and to LL.M. candidates. Students submit a reaction paper and read each others' papers prior to the assigned reading being discussed in class. This seminar will meet five times (6:00-8:00 p.m.) over the course of the year. Writing for this seminar may be used as partial fulfillment of the JD writing requirement (WP). Grades are based upon written submissions and class participation.
Autumn 2010 - Douglas Ginsburg

Readings in Legal Thought
Students in this seminar read a selection of important works in the development of Anglo-American legal thought. Subject areas and methodologies may include constitutional law, law and economics, legal history, the legal profession, empirical legal studies, etc. In the past, authors have included Bickel, Breyer, Calabresi, Frank, Holmes, Llewellyn, Mill, Posner, MacKinnon, Scalia, Sunstein, and others.
Enrollment is limited to 14 students, with preference given to third year J.D. and to LL.M. candidates. Students submit a reaction paper and read each others' papers prior to the assigned reading being discussed in class. This seminar will meet five times (6:00-8:00 p.m.) over the course of the year. Writing for this seminar may be used as partial fulfillment of the JD writing requirement (WP). Grades are based upon written submissions and class participation.
Winter 2011 - Douglas Ginsburg

Readings in Legal Thought
Students in this seminar read a selection of important works in the development of Anglo-American legal thought. Subject areas and methodologies may include constitutional law, law and economics, legal history, the legal profession, empirical legal studies, etc. In the past, authors have included Bickel, Breyer, Calabresi, Frank, Holmes, Llewellyn, Mill, Posner, MacKinnon, Scalia, Sunstein, and others.
Enrollment is limited to 14 students, with preference given to third year J.D. and to LL.M. candidates. Students submit a reaction paper and read each others' papers prior to the assigned reading being discussed in class. This seminar will meet five times
Refugee and Asylum Law
This seminar provides a general introduction to U.S. refugee and asylum law and forced migration policy, focusing on how refugee and asylum law defines, protects, and excludes refugees within the U.S. legal system. Topics include the history of forced migration, the nature of U.S. legal protections for refugees, the evolving grounds of persecution, the evidentiary difficulties in determining true refugee status, the protections for refugees under international law, and the ongoing debates about resettlement and other forms of protection for asylum seekers.

Students may take this seminar concurrently with Immigration Law and the Rights of Noncitizens, as the two courses are designed to complement one another. Student grades are based on class participation and a series of short papers.

Spring 2011 - Daniel Abebe

Religion, Law and Politics
This seminar examines the conceptualization and realization of religious liberty and the separation of church and state. We explore philosophical precepts and historical contexts, review the state of the law, and address current controversial issues.

There are no prerequisites. Grades are based on a paper and class participation.

Autumn 2010 - Sylvia Neil

Remedies
The way in which the law responds to violations of rights is no less important than the way in which those rights are allocated. The law of remedies determines the law’s response to violations of rights, and in so doing, it delineates their boundaries and gives them legal meaning. Hence, the study of the law of remedies is closely related to the study of the substantive law, each field shedding light on the other. This course focuses on remedies in Contracts and Torts, referring to the goals of the substantive law to better understand the remedial law. It explores the law of damages in both Contracts and Torts and covers topics such as: restitutary damages; probabilistic recoveries; the relationship between damages and non-legal sanctions; evidentiary damage; and liquidated damages. The course also covers the remedies of specific performance in Contracts and injunction in Torts and compares and contrasts these remedies with monetary ones. Some of the defenses available to both the breaching party and the wrongdoer, such as mitigation of damages and comparative fault, in Torts and Contracts will also be discussed.

Contracts and Torts are prerequisites. This mini-course the meets during the first four weeks of the quarter only. A student’s grade will be based on a three-hour open-book proctored examination.

Spring 2011 - Ariel Porat

Residential Real Estate Development and the Law
This course will guide the student through the twists and turns of a residential real estate development from land acquisition through warranty on the residential unit. We will also examine: rezoning and improvement of the land; governmental agree-
ments and regulation; the joint venture; the contractual relationship with the buyer; and the homeowner’s association. All the while, focusing on the myriad of legal issues a developer’s attorney encounters along the way. We will study how the law of contracts, real property and land use play an integral role in the residential real estate development. Course materials will include documents from actual transactions such as the acquisition contract, the municipal development agreement, the limited liability company operating agreement, the declaration of covenants, the lot sale and construction agreement and the plat of subdivision. In addition to these materials, coursework will include analysis of state statutes, municipal ordinances and relevant case law. We will take a hands-on approach to the law of residential real estate development and the transactional documents which effectuate these developments. Coursework will include negotiation and drafting exercises where students will gain real life, practical experience in confronting the issues that arise in the context of these developments. Enrollment will be limited to 20 students (as well as an even number of students). Grades will be determined on the basis of: class preparation, attendance and participation (1/4); class exercises and written assignments (1/4); and an open book final exam (1/2).

Autumn 2010 - Todd Fishbein

Secured Transactions
This course deals with the many legal issues that come into play when there are collateralized loans for which the collateral is personal property. Students focus on Article 9 of the Uniform Commercial Code, the Bankruptcy Code, and other related laws. This form of lending is central to our economy, and the applicable legal doctrines are ones that every corporate and commercial lawyer should firmly grasp. The course is a useful, though not absolutely essential, preparation for Bankruptcy and Reorganization: The Federal Bankruptcy Code (LAWS 73601).
The student's grade is based on a proctored final examination.

Autumn 2010 - Randal Picker

Seminar on Legal Classics (Old and New)
This seminar grapples with some of the lasting contributions made by students of law and courts throughout the twentieth century, as well as more recent material destined to become classic. Readings will vary in both subject and methodological approach and may include the work of the Realists, early empirical studies, social movements, new institutionalism, and jurisprudential as well as historical studies. Because the Seminar aims to provide participants with a critical perspective on classic work, both new and old, solid grounding in the literature, as obtained in PLSC37000/ LAWS 51302 (Law & Politics: U.S. Courts as Political Institutions), is a prerequisite. Meeting day/time is subject to change. Grading: the seminar reads one book per week and students write 3 response papers over the course of the quarter as well as take the lead in leading the seminar meetings on books on which they have written.
Spring 2011 - Gerald N Rosenberg
State and Local Finance: Selected Topics
This seminar examines the implications of choosing between the various revenue sources available to states and localities. Students are asked to consider questions of inter-jurisdictional equity, inter-generational equity, and vertical equity in the context of topics such as public school finance, the use of municipal bonds, tax competition, and tax cooperation.

The student’s grade is based on a series of reaction papers and class participation.
Winter 2011 - Julie Roin

Structuring Venture Capital, Private Equity, and Entrepreneurial Transactions
This course covers the tax, legal, and economic principles applicable to a series of interesting, complex, current entrepreneurial transactions, utilizing venture capital or private equity financing, including (1) a new business start up, (2) a growth equity investment in an existing business enterprise, (3) a leveraged buyout of a private or public company (including a going-private transaction), (4) use of a flow-through tax entity such as an S corporation, a partnership, or an LLC, for a variety of venture capital or private equity financed transactions, (5) devising an equity-based executive compensation program, (6) a private equity financed restructuring or workout (in or out of bankruptcy) for a troubled over-leveraged enterprise, (7) devising an exit scenario for a successful venture capital or private equity financed enterprise (such as IPO, SEC rule 144 sales, sale of the company, or merger of the company into a larger enterprise), (8) utilizing the NOL of a troubled company after a venture capital or LBO deal, and (9) forming a new venture capital, LBO, or private equity fund. Substantive subjects covered include federal income tax, securities regulation, corporate law, partnership law, LLC law, bankruptcy law, fraudulent conveyance law, and other legal doctrines, as well as accounting rules and practical structuring issues (including use of common and preferred stocks, convertible debentures, convertible preferred stock, warrants, and options). The course reviews these tax, legal, and accounting principals in a transactional context and also considers their policy underpinnings and likely future evolution.

Although there are no specific prerequisites, Introductory Income Tax is strongly recommended, and Taxation of Corporations is desirable. In addition, knowledge of corporate law, securities regulation, bankruptcy, and accounting is helpful. However, the appendix to the course book plus assigned supplementary readings does contain adequate precedents for an understanding of the material covered by the course.
Spring 2011 - Jack Levin, Don Rocap

Taxation of Corporations I
This course examines income tax aspects of the formations, distributions, and liquidations of corporations. The focus is on transactional and planning aspects of the corporate tax.

Introductory Income Tax is recommended. The student’s grade is based on class participation and a final examination.
Winter 2011 - David A Weisbach
Taxation of Corporations II
This course surveys the taxation of reorganizations and other adjustments involving continuing businesses: mergers, asset and stock acquisitions and other similar shifts of ownership and control; recapitalizations; and divisions. Points of focus are the recognition of gain and loss and the survival and allocation of tax attributes (basis, earnings, and loss carryovers) in these transactions. Taxation of Corporations I is a prerequisite, and Introductory Income Taxation is recommended. Students' grades based on a final proctored examination.
Spring 2011 - David A Weisbach

Technology Policy
This seminar will look at a mixture of old and new materials on technology and the law, with a special focus on the intersection of antitrust and intellectual property. We typically read 2-5 recent books. Students write blog posts on the readings which will be posted on the class blog. Students will also comment on posts by other students. The blog postings do not fulfill one of the substantial writing requirements. The syllabus for the course is at http://picker.uchicago.edu/seminar/syllabus.htm and the class blog is at http://picker.typepad.com/picker_seminar/. The student's grade is based on class and blog participation.
Winter 2011 - Randal Picker

Telecommunications Law and Regulation
This is an introductory course looking at the regulatory regimes in the U.S. that apply to telephony (both wireline and wireless) and the infrastructure of the Internet. In particular, this course will explore the legal and policy history behind such regulation and the difficulty of classifying new technologies and applying these regulatory regimes in a world of rapidly converging technologies. This course will not cover mass media regulation (broadcast television and radio, or cable television). Prior (or simultaneous) completion of a course in administrative law is helpful, but not required. Grades will be based upon a final exam.
Spring 2011 - Joan Neal

The Juvenile Justice System
This seminar considers how our legal system should respond to crimes committed by minors. In particular, students consider the appropriateness of treating minors differently from adults in preventing, adjudicating, and imposing consequences for criminal behavior. Readings on adolescent development and urban sociology help inform discussions.
Enrollment is limited to 20. The student's grade is based on three or four short papers.
Spring 2011 - Emily Buss

The Law of Armed Conflict: the Conduct of Hostilities
This seminar focuses on the international humanitarian law rules that govern the conduct of hostilities, i.e., the "jus in bello" rules that regulate conduct once hostilities have begun. The course will examine the origins and historical development of jus in bello rules, and then focus on a number of current controversies in international humanitarian law. These include: the definition of combatancy for the purpose
of detention, and in particular the definition of "direct participation" in conflict; the use of targeted killings; the rules of interrogation; and prohibitions on specific classes of weapons.
Autumn 2010 - Aziz Huq

Topics in Moral, Political & Legal Philosophy
The topic for Spring 2011 will be an examination of philosophical and empirical issues raised by Nietzsche's moral psychology, including his account of the will, motivation, the sources of moral judgment, and related topics. We will look at both at selections from Nietzsche's texts, as well as pertinent secondary literature on Nietzsche, and recent work in philosophy and psychology.
J.D. students need instructor approval to enroll.
Spring 2011 - Michael N Forster, Brian Leiter

Trademarks and Unfair Competition
Course covering federal and state doctrines governing trademarks, domain names, and geographical indications; state law unfair competition doctrines; trademark dilution; publicity rights; and federal registration of trademarks.
The student's grade is based on a final proctored examination.
Autumn 2010 - William M Landes

Tragedies and Takings: Selected Topics in Land Use and Resource Allocation
This seminar will examine dilemmas in the use of land and other resources from legal, theoretical, and policy perspectives. We will start with the familiar tragedy of the commons, and then turn to the literature on anticommons and semicommons regimes. With those templates in mind, we will consider how issues such as land assembly, pollution, conservation, and urban policy might be addressed, with a particular focus on the challenges of managing conflicting interests over time. Existing land use controls and mechanisms like conservation easements and tradable permits will be discussed, along with some proposed innovations. Significant attention will be given to takings (regulatory takings, eminent domain, and judicial takings).
With instructor approval, writing for this seminar may be used as partial fulfillment of the JD writing requirement (SRP or WP). The student's grade will be based on a major paper and class participation.
Spring 2011 - Lee Fennell

Trial Advocacy
This seminar will explore the trial lawyer's craft, with a focus on both the written submissions important in litigation and the courtroom skills required at various stages in the life of a case. The instruction will be by lectures, demonstrations, and participation in learning-by-doing exercises (including a mini-trial). Students will learn how to use motions, depositions, written discovery, expert witnesses, exhibits, and technology as effective litigation tools.
Enrollment is limited to 24. Students who have taken LAWS 91702 Trial Practice: Strategy and Advocacy may not take LAWS 67603 Trial Advocacy. While the instructors strongly recommend that students have a good understanding of the Federal Rules of Evidence before taking the seminar, this is not an absolute prerequisite. Final
grades will be based on class participation, performance during courtroom exercises and the mini-trial, a fifteen-page trial brief, brief in support of a motion, or post-trial brief, and two shorter written pieces.

Winter 2011 - Tom Dutton, Kevin Van Wart

U.S. Supreme Court: Theory and Practice
This seminar will provide an in-depth look at the Supreme Court--its current docket and recent trends in its decisions, the modern debate over its proper role, and both written and oral advocacy before the Court.
Grades will be based on class participation, two short brief-writing assignments, and an in-class oral argument.
Winter 2011 - Michael Scodro

Workshop: Constitutional Law
This workshop, conducted over three sequential quarters, exposes students to current academic work in constitutional law and theory and other areas of public law. Workshop sessions are devoted to the presentation and discussion of papers from outside speakers, at six to eight sessions to be conducted regularly throughout the academic year.
Enrollment may be limited. This workshop may be taken for fulfillment of the Substantial Research Paper graduation requirement. Grading is based on a substantial paper (or two shorter papers) plus brief reaction papers on each of the workshop papers.
Autumn 2010 - David A Strauss

Workshop: Constitutional Law
This workshop, conducted over three sequential quarters, exposes students to current academic work in constitutional law and theory and other areas of public law. Workshop sessions are devoted to the presentation and discussion of papers from outside speakers, at six to eight sessions to be conducted regularly throughout the academic year.
Enrollment may be limited. This workshop may be taken for fulfillment of the Substantial Research Paper graduation requirement. Grading is based on a substantial paper (or two shorter papers) plus brief reaction papers on each of the workshop papers.
Winter 2011 - David A Strauss

Workshop: Constitutional Law
This workshop, conducted over three sequential quarters, exposes students to current academic work in constitutional law and theory and other areas of public law. Workshop sessions are devoted to the presentation and discussion of papers from outside speakers, at six to eight sessions to be conducted regularly throughout the academic year.
Enrollment may be limited. This workshop may be taken for fulfillment of the Substantial Research Paper graduation requirement. Grading is based on a substantial paper (or two shorter papers) plus brief reaction papers on each of the workshop papers.
Spring 2011 - David A Strauss
Workshop: Forum on Contracting

The new Forum on contracting is an inter-departmental workshop studying advance research in the economics of contract law, the theory of contracts, and its applications, primarily financial contracts.

Enrollment is conditional on approval by the instructors. To enroll, please submit a letter to Professor Ben-Shahar stating your interest in the forum and the general direction of the paper you plan to write, as well as any prior written work in the field of law-and-economics and your grade printout. The forum meets throughout the year, 2-3 meetings per quarter. The meetings will alternate between the law school and the Graduate School of Business. Students are welcome to audit any number of meetings of the forum. Students who wish to receive 2 credits for attending the forum must be present at all meetings and submit a full-length paper supervised by a faculty member.

Autumn 2010 - Omri Ben-Shahar

Workshop: Forum on Contracting

The new Forum on contracting is an inter-departmental workshop studying advance research in the economics of contract law, the theory of contracts, and its applications, primarily financial contracts.

Enrollment is conditional on approval by the instructors. To enroll, please submit a letter to Professor Ben-Shahar stating your interest in the forum and the general direction of the paper you plan to write, as well as any prior written work in the field of law-and-economics and your grade printout. The forum meets throughout the year, 2-3 meetings per quarter. The meetings will alternate between the law school and the Graduate School of Business. Students are welcome to audit any number of meetings of the forum. Students who wish to receive 2 credits for attending the forum must be present at all meetings and submit a full-length paper supervised by a faculty member.

Winter 2011 - Omri Ben-Shahar

Workshop: Forum on Contracting

The new Forum on contracting is an inter-departmental workshop studying advance research in the economics of contract law, the theory of contracts, and its applications, primarily financial contracts.

Enrollment is conditional on approval by the instructors. To enroll, please submit a letter to Professor Ben-Shahar stating your interest in the forum and the general direction of the paper you plan to write, as well as any prior written work in the field of law-and-economics and your grade printout. The forum meets throughout the year, 2-3 meetings per quarter. The meetings will alternate between the law school and the Graduate School of Business. Students are welcome to audit any number of meetings of the forum. Students who wish to receive 2 credits for attending the forum must be present at all meetings and submit a full-length paper supervised by a faculty member.

Spring 2011 - Omri Ben-Shahar
Workshop: International and Comparative Law
This workshop offers students the opportunity to read and respond to cutting-edge research in the field of international and comparative law. It consists of four workshops with invited speakers—two on international law and two on comparative constitutional law—as well as a brief introductory meeting with Professor Dixon to introduce key concepts and protocols for the workshop.
Assessment for the workshop will be based on four response papers (each 5 double-spaced pages in length) setting out and explaining potential questions raised by the workshop papers. Current Meeting Schedule: Preliminary meeting with students on April 8 April 15 and 22, and May 6 confirmed speakers Additional meeting TBA
Spring 2011 - Rosalind Dixon, Thomas Ginsburg

Workshop: Judicial Behavior
The Workshop on Judicial Behavior provides students with a unique opportunity to read and analyze cutting-edge scholarship that focuses on how judges reach their decisions. In a case law system such as that of the United States, a realistic understanding of judicial behavior, which conventional legal instruction does not convey, is essential to the understanding and practice of law. Over the course of the academic year, eight scholars from the fields of law and the social sciences will present their work.
In response, students will write short reports. By the end of the academic year, they will also produce a major research paper on judicial behavior. The Workshop is limited to ten law students from the University of Chicago and ten from Northwestern University; interested students should contact Prof. Landes (land@uchicago.edu) by September 7, 2010. It will meet nine times over the course of the academic year, with meetings alternating between Chicago and Northwestern.
Autumn 2010 - Frank Easterbrook, William M Landes, Richard Posner

Workshop: Judicial Behavior
The Workshop on Judicial Behavior provides students with a unique opportunity to read and analyze cutting-edge scholarship that focuses on how judges reach their decisions. In a case law system such as that of the United States, a realistic understanding of judicial behavior, which conventional legal instruction does not convey, is essential to the understanding and practice of law. Over the course of the academic year, eight scholars from the fields of law and the social sciences will present their work.
In response, students will write short reports. By the end of the academic year, they will also produce a major research paper on judicial behavior. The Workshop is limited to ten law students from the University of Chicago and ten from Northwestern University; interested students should contact Prof. Landes (land@uchicago.edu) by September 7, 2010. It will meet nine times over the course of the academic year, with meetings alternating between Chicago and Northwestern.
Winter 2011 - Frank Easterbrook, William M Landes, Richard Posner

Workshop: Judicial Behavior
The Workshop on Judicial Behavior provides students with a unique opportunity to read and analyze cutting-edge scholarship that focuses on how judges reach their decisions. In a case law system such as that of the United States, a realistic understanding
of judicial behavior, which conventional legal instruction does not convey, is essential to the understanding and practice of law. Over the course of the academic year, eight scholars from the fields of law and the social sciences will present their work.

In response, students will write short reports. By the end of the academic year, they will also produce a major research paper on judicial behavior. The Workshop is limited to ten law students from the University of Chicago and ten from Northwestern University; interested students should contact Prof. Landes (land@uchicago.edu) by September 7, 2010. It will meet nine times over the course of the academic year, with meetings alternating between Chicago and Northwestern.

Spring 2011 - Frank Easterbrook, William M Landes, Richard Posner

**Workshop: Law and Economics**

This workshop, conducted over three sequential quarters, is devoted to the intensive examination of selected problems in the application of economic reasoning to a wide variety of legal questions. Workshop sessions will be devoted to the presentation and discussion of papers by students and by members of the faculty of the University of Chicago and of other institutions.

The workshop meets every other week throughout the academic year. Students enrolled in the workshop receive four credits; one in Autumn, one in Winter, and two in Spring. Grading is based on the completion of a substantial paper, which may be used as partial fulfillment of the SRP J.D. writing requirement.

Autumn 2010 - Omri Ben-Shahar, Alicia Davis

Winter 2011 - Omri Ben-Shahar

**Workshop: Law and Economics**

This workshop, conducted over three sequential quarters, is devoted to the intensive examination of selected problems in the application of economic reasoning to a wide variety of legal questions. Workshop sessions will be devoted to the presentation and discussion of papers by students and by members of the faculty of the University of Chicago and of other institutions.

The workshop meets every other week throughout the academic year. Students enrolled in the workshop receive four credits; one in Autumn, one in Winter, and two in Spring. Grading is based on the completion of a substantial paper, which may be used as partial fulfillment of the SRP J.D. writing requirement.

Spring 2011 - Omri Ben-Shahar
Workshop: Law and Philosophy: Disagreement in Law and in Ethics

The phenomenon of disagreement, and its significance or meaning, cuts across a variety of debates in philosophy of law, ethics, epistemology, and semantics. A standard argument for skepticism about the objectivity of morality, for example, has been the purported fact of moral disagreement: it is argued that since people disagree about what is morally right and wrong, there must be no objective fact of the matter. Similarly, in law, it is often adduced as evidence that there can’t be a “right answer” in a difficult case that equally good lawyers and jurists disagree about what result the law requires. So what should we make of disagreement about moral and legal questions? When does disagreement (among experts? over long periods of time?) warrant metaphysical conclusions about whether there is an answer to the issue in dispute? Ought disagreement by ‘epistemic peers’—those whom we take to be as well-informed as we are—influence our own beliefs? Does the existence of fundamental moral and political disagreement give us reason to be skeptical of the institution of judicial review? How do we understand the meaning of people’s statements when they are disagreeing fundamentally about some subject (are they talking past each other? using the same terms but in context-relative ways?) Do particular theories about the nature of law (legal positivism, Dworkin’s theory) fare better or worse at explaining fundamental disagreement among judges and lawyers? The Workshop aims to explore the metaphysical, epistemic, political, jurisprudential and (perhaps) semantic issues raised by the phenomenon of disagreement. Leiter or Laurence will meet with the students one week in advance of most sessions to discuss the speaker’s paper.

Attendance at all sessions of the Workshop is a requirement. JD students should contact bleiter@uchicago.edu with a resume and a brief statement of background and/or interest in the topic in order to secure permission to enroll. Philosophy PhD students may enroll without submitting these materials. “Jurisprudence I: Theories of Law and Adjudication” is a prerequisite for JD students, though may be taken concurrently with the Workshop in Autumn 2010. Professor Leiter will waive the prerequisite for JD students who have already had substantial exposure to the central issues in general jurisprudence and the works of Hart, Raz, Dworkin, and Finnis. The Workshop sessions will occur in the Fall and Winter quarters. Please see http://www.law.uchicago.edu/workshops/lawandphilosophy for more details.

Autumn 2010 - Brian Leiter, Ben Laurence

Workshop: Law and Philosophy: Disagreement in Law and in Ethics

The phenomenon of disagreement, and its significance or meaning, cuts across a variety of debates in philosophy of law, ethics, epistemology, and semantics. A standard argument for skepticism about the objectivity of morality, for example, has been the purported fact of moral disagreement: it is argued that since people disagree about what is morally right and wrong, there must be no objective fact of the matter. Similarly, in law, it is often adduced as evidence that there can’t be a “right answer” in a difficult case that equally good lawyers and jurists disagree about what result the law requires. So what should we make of disagreement about moral and legal questions? When does disagreement (among experts? over long periods of time?) warrant metaphysical conclusions about whether there is an answer to the issue in dispute? Ought disagreement by ‘epistemic peers’—those whom we take to be as well-informed as we are—influence our own beliefs? Does the existence of fundamental moral and political disagreement give us reason to be skeptical of the institution of judicial review?
How do we understand the meaning of people’s statements when they are disagreeing fundamentally about some subject (are they talking past each other? using the same terms but in context-relative ways?) Do particular theories about the nature of law (legal positivism, Dworkin’s theory) fare better or worse at explaining fundamental disagreement among judges and lawyers? The Workshop aims to explore the metaphysical, epistemic, political, jurisprudential and (perhaps) semantic issues raised by the phenomenon of disagreement. Leiter or Laurence will meet with the students one week in advance of most sessions to discuss the speaker’s paper.

Attendance at all sessions of the Workshop is a requirement. JD students should contact bleiter@uchicago.edu with a resume and a brief statement of background and/or interest in the topic in order to secure permission to enroll. Philosophy PhD students may enroll without submitting these materials. “Jurisprudence I: Theories of Law and Adjudication” is a prerequisite for JD students, though may be taken concurrently with the Workshop in Autumn 2010. Professor Leiter will waive the prerequisite for JD students who have already had substantial exposure to the central issues in general jurisprudence and the works of Hart, Raz, Dworkin, and Finnis.

The Workshop sessions will occur in the Fall and Winter quarters. Please see http://www.law.uchicago.edu/workshops/lawandphilosophy for more details.

Winter 2011 - Brian Leiter, Ben Laurence

Workshop: Law and Philosophy: Disagreement in Law and in Ethics

The phenomenon of disagreement, and its significance or meaning, cuts across a variety of debates in philosophy of law, ethics, epistemology, and semantics. A standard argument for skepticism about the objectivity of morality, for example, has been the purported fact of moral disagreement: it is argued that since people disagree about what is morally right and wrong, there must be no objective fact of the matter. Similarly, in law, it is often adduced as evidence that there can’t be a “right answer” in a difficult case that equally good lawyers and jurists disagree about what result the law requires. So what should we make of disagreement about moral and legal questions? When does disagreement (among experts? over long periods of time?) warrant metaphysical conclusions about whether there is an answer to the issue in dispute? Ought disagreement by ‘epistemic peers’ — those whom we take to be as well-informed as we are — influence our own beliefs? Does the existence of fundamental moral and political disagreement give us reason to be skeptical of the institution of judicial review? How do we understand the meaning of people’s statements when they are disagreeing fundamentally about some subject (are they talking past each other? using the same terms but in context-relative ways?) Do particular theories about the nature of law (legal positivism, Dworkin’s theory) fare better or worse at explaining fundamental disagreement among judges and lawyers? The Workshop aims to explore the metaphysical, epistemic, political, jurisprudential and (perhaps) semantic issues raised by the phenomenon of disagreement. Leiter or Laurence will meet with the students one week in advance of most sessions to discuss the speaker’s paper.

Attendance at all sessions of the Workshop is a requirement. JD students should contact bleiter@uchicago.edu with a resume and a brief statement of background and/or interest in the topic in order to secure permission to enroll. Philosophy PhD students may enroll without submitting these materials. “Jurisprudence I: Theories of Law and Adjudication” is a prerequisite for JD students, though may be taken concurrently with the Workshop in Autumn 2010. Professor Leiter will waive the
prerequisite for JD students who have already had substantial exposure to the central issues in general jurisprudence and the works of Hart, Raz, Dworkin, and Finnis. The Workshop sessions will occur in the Fall and Winter quarters. Please see http://www.law.uchicago.edu/workshops/lawandphilosophy for more details.
Spring 2011 - Brian Leiter, Ben Laurence

**Workshop: Legal Scholarship**

This multiquarter workshop is designed for students interested in developing either an existing paper (in need of substantial revision) or new research into a publishable article. In the Autumn quarter the course will be run as a faculty mini-workshop for Chicago area scholars to present their work, allowing the class to comment on their scholarship and learn about presentation skills. In the Spring Quarter the class will function as a workshop for students, enabling them to present their papers. In preparation for each meeting, students will submit short (2-3 page) critiques of the author's paper. Along the way, during the Autumn and Spring quarters, the professors will work with each student to get his/her piece into publishable shape. The student's grade is based on the weekly papers, participation, and (for students enrolled in the two quarter sequence) the quality of the final version of their long paper. Students can fulfill a portion of their writing requirement (SRP or WP) in this course, and LLMs interested in teaching or getting to actively participate in a scholarly workshop where they have extensive opportunities to speak and hone their skills in critiquing legal argument. FALL ONLY option: This seminar is designed to give the students the experience of participating in a faculty workshop. Each week young scholars from around the country will present a work in progress and unlike other workshops where the faculty does most of the questioning, the students will question the speakers (and write a two page paper setting out their questions and comments). The presentations will be followed by feedback that will enable students to learn how to present academic work and select a publishable topic for their research. LLMs interested in teaching are welcome.

Autumn 2010 - Lisa Bernstein

**Workshop: Legal Scholarship**

This multiquarter workshop is designed for students interested in developing either an existing paper (in need of substantial revision) or new research into a publishable article. In the Autumn quarter the course will be run as a faculty mini-workshop for Chicago area scholars to present their work, allowing the class to comment on their scholarship and learn about presentation skills. In the Spring Quarter the class will function as a workshop for students, enabling them to present their papers. In preparation for each meeting, students will submit short (2-3 page) critiques of the author's paper. Along the way, during the Autumn and Spring quarters, the professors will work with each student to get his/her piece into publishable shape. The student's grade is based on the weekly papers, participation, and (for students enrolled in the two quarter sequence) the quality of the final version of their long paper. Students can fulfill a portion of their writing requirement (SRP or WP) in this course, and LLMs interested in teaching or getting to actively participate in a scholarly workshop where they have extensive opportunities to speak and hone their skills in critiquing legal argument. FALL ONLY option: This seminar is designed to give the students the experience of participating in a faculty workshop. Each week young scholars from around
the country will present a work in progress and unlike other workshops where the faculty does most of the questioning, the students will question the speakers (and write a two page paper setting out their questions and comments). The presentations will be followed by feedback that will enable students to learn how to present academic work and select a publishable topic for their research. LLMs interested in teaching are welcome.

Spring 2011 - Lisa Bernstein

**Workshop: Public Law and Legal Theory**
The Public Law and Legal Theory Workshop, a new offering for 2009-10, brings together the former workshops on Law and Politics, Crime and Punishment, and Legal History. Working from a variety of methodological orientations, the workshop examines questions arising at the intersections of public law, legal theory, and interdisciplinary work in law and the social sciences. Sessions are devoted to the presentation and discussion of papers by faculty members from other institutions. Students must enroll for the entire year and will receive one pass/fail credit. Students are required to read the papers, attend the workshop, ask questions, and to submit one reaction paper per quarter on a paper of their choosing.

Autumn 2010 - Bernard Harcourt, Alison LaCroix, Jonathan Masur, Richard McAdams

Winter 2011 - Bernard Harcourt, Alison LaCroix, Jonathan Masur, Richard McAdams

Spring 2011 - Bernard Harcourt, Alison LaCroix, Jonathan Masur, Richard McAdams
Workshop: Regulation of Family, Sex, and Gender
This workshop exposes students to recent academic work in the regulation of family, sex, gender, and sexuality and in feminist theory. Workshop sessions, to be held irregularly throughout the fall, winter and spring, are devoted to the presentation and discussion of papers from outside speakers and University faculty. The substance and methodological orientation of the papers will both be diverse.
All sessions run on Wednesday from either 4:00 to 5:30 p.m. or 4:30-6 p.m.
Winter 2011 - Mary Anne Case

Workshop: Regulation of Family, Sex, and Gender
This workshop exposes students to recent academic work in the regulation of family, sex, gender, and sexuality and in feminist theory. Workshop sessions, to be held irregularly throughout the fall, winter and spring, are devoted to the presentation and discussion of papers from outside speakers and University faculty. The substance and methodological orientation of the papers will both be diverse.
All sessions run on Wednesday from either 4:00 to 5:30 p.m. or 4:30-6 p.m.
Spring 2011 - Mary Anne Case

⭐⭐⭐