COURSES

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.

Key to course details:

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<th>Key</th>
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<td>+</td>
<td>subject to prerequisites, co-requisites, exclusions, or professor permission</td>
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<td>1L</td>
<td>first year required course</td>
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<td>a</td>
<td>extends over more than one quarter</td>
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<td>c/l</td>
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<td>meets the professional responsibility/ethics requirement</td>
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<td>papers may meet substantial research paper (SRP) graduation requirement</td>
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<td>meets the professional skills requirement</td>
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<td>simulation class</td>
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<td>meets writing project (WP) graduation requirement</td>
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<td>the number of Law School credit hours earned for successful completion of the course</td>
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FIRST YEAR COURSES

Civil Procedure I
LAWS 30211 - 01 (3) 1L
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 2011 - Adam Samaha

**Civil Procedure I**  
LAWS 30211 - 02 (3) 1L  
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.
Spring 2012 - William H. Hubbard

**Civil Procedure II**  
LAWS 30221 - 01 (3) 1L  
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.
Spring 2012 - Anthony J. Casey

**Contracts**  
LAWS 30511 - 01 (3) 1L, a  
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 restitution. 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 2011 - Douglas G. Baird

Contracts
LAWS 30511 - 01 (3) 1L, a
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 restitution. 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.

Winter 2012 - Eric A. Posner

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Winter 2012 - Omri Ben-Shahar

Contracts
LAWS 30511 - 02 (3) 1L, a
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 restitution. 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.

Spring 2012 - Omri Ben-Shahar
Criminal Law
LAWS 30311 - 02 (3) 1L, a
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 2011 - Jonathan Masur

Criminal Law
LAWS 30311 - 01 (3) 1L, a
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 2012 - Richard H. McAdams

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Winter 2012 - Thomas J. Miles

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Spring 2012 - Richard H. McAdams

Elements of the Law
LAWS 30101 - 01 (3) 1L
This course examines the role of judges in our legal system, focusing particularly on the processes of statutory and constitutional interpretation. The subjects for discussion include the nature of, and justification for, reasoning from precedent; the meaning of originalism and other methods of interpretation; and the role of history and context in judicial decision making. The student’s grade is based on a final examination.
Autumn 2011 - Geoffrey R. Stone

Elements of the Law
LAWS 30101 - 02 (3) 1L
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 2011 - Richard H. McAdams

Legal Research and Writing
LAWS 30711 - 01 (2) 1L, a
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 2011 - Victoria Schwartz

Legal Research and Writing
LAWS 30711 - 02 (2) 1L, a
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Autumn 2011 - Julia A. Simon-Kerr

Legal Research and Writing
LAWS 30711 - 03 (2) 1L, a
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Autumn 2011 - Andres Sawicki

Legal Research and Writing
LAWS 30711 - 04 (2) 1L, a
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Autumn 2011 - Anya Bernstein

Legal Research and Writing
LAWS 30711 - 05 (2) 1L, a
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Autumn 2011 - Alexander Boni-Saenz

Legal Research and Writing
LAWS 30711 - 06 (2) 1L, a
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Winter 2012 - Naomi Schoenbaum

Legal Research and Writing
LAWS 30711 - 01 (1) 1L, a
All first-year students participate in the legal research and writing program
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Beale Prize, is awarded for the outstanding written work in each legal writing
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Winter 2012 - Victoria Schwartz

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LAWS 30711 - 02 (1) 1L, a
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Spring 2012 - Victoria Schwartz

Legal Research and Writing
LAWS 30711 - 02 (1) 1L, a

Spring 2012 - Julia A. Simon-Kerr

Legal Research and Writing
LAWS 30711 - 03 (1) 1L, a

Spring 2012 - Andres Sawicki

Legal Research and Writing
LAWS 30711 - 04 (1) 1L, a

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**Property**

LAWS 30411 - 01 (3) 1L, a

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 student’s grade is based on a single final examination. Autumn 2011 - Eduardo M. Peñalver

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LAWS 30411 - 01 (3) 1L, a

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The student’s grade is based on a single final examination. Winter 2012 - Lior Strahilevitz

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The student’s grade is based on a single final examination.
Winter 2012 - Richard H. Helmholz

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The student’s grade is based on a single final examination.
Spring 2012 - Richard H. Helmholz

**Torts**
LAWS 30611 - 02 (3) 1L
The focus of this course, offered over two sequential quarters, is on the Anglo-American system (mainly judge-created) of the 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 at the end of the Winter quarter.
Autumn 2011 - Albert Yoon

**Torts**
LAWS 30611 - 01 (3) 1L
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The student’s grade is based on a single final examination. Participation may be taken into account as indicated in the syllabus.
Winter 2012 - Lee Fennell

**Torts**
LAWS 30611 - 02 (3) 1L, a
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The student’s grade is based on a single final examination.
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 at the end of the Winter quarter.

Winter 2012 - M. Todd Henderson

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

Spring 2012 - Saul Levmore

SECOND- AND THIRD-YEAR OFFERINGS

Administrative Law
LAWS 46101 - 01 (3) x
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.

Winter 2012 - Thomas Ginsburg

Administrative Law
LAWS 46101 - 01 (3) x
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.

Spring 2012 - Richard A. Epstein

**Admiralty Law**

LAWS 71001 - 01 (3)

This course will cover the development and scope of this part of the jurisdiction of the federal courts, the role of the Supreme Court in the common law development of the substantive law of the admiralty, and several of the main elements of substantive maritime law: maritime torts, industrial accidents, collisions, salvage, and limitation of liability.

The student’s grade is based on class participation and a final take-home examination.

Autumn 2011 - Randall D. Schmidt

**Advanced Civil Procedure**

LAWS 52502 - 01 (3)

This course examines salient features of major civil litigation from both a practitioner’s and a policymaker’s perspective. Broadly, these features fall into two categories: issues with forum and aggregation on the one hand, and problems with the collection and production of evidence on the other. Topics in the first category include class action litigation and settlement, multidistrict litigation, removal, and arbitration. Topics in the second category include preservation and spoliation, electronic discovery, and expert testimony.

Winter 2012 - William H. Hubbard

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

LAWS 48601 - 01 (3)

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 2012 - Lisa Bernstein

**Advanced Issues in Corporate Reorganizations**

LAWS 43702 - 01 (2) +, x, m
This seminar examines a number of cutting edge issues in corporate reorganizations, including issues ranging from substantive consolidation to cramdown. The readings consist of judicial opinions and scholarly commentary, as well as other material. Students make team presentations as well as 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. Bankruptcy is a prerequisite (not for MBA students).

Spring 2012 - Douglas G. Baird

Advanced Law and Economics
LAWS 55401 - 01 (3) r, w, x, m
This seminar examines theoretical and empirical work in the economic analysis of law. It will cover, among other things, optimal tort rules, models of contract liability and remedies, optimal criminal rules, settlement and plea bargaining, and models of judicial behavior. Familiarity with calculus and either advanced undergraduate microeconomics or graduate microeconomics is expected.
Grades will be based on class participation and a major paper.
Spring 2012 - Anup Malani

Advanced Legal Research
LAWS 79802 - 01 (2 to 3) x, m
The purpose of this seminar is to enhance students’ knowledge of legal sources and to develop their ability to research the law. The seminar 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 seminar 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 seminar, 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 seminar will be limited to twenty-five students with priority to third year students.
To receive credit for this seminar, students must complete 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 2 or 3 credits for this seminar depending upon the number of assignments completed and the length of their final paper (minimum 20 pages for 3 credits; 10 pages for 2 credits).
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 2011 - Sheri H. Lewis
The purpose of this seminar is to enhance students’ knowledge of legal sources and to develop their ability to research the law. The seminar 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 seminar 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 seminar, 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.

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Students may earn either 2 or 3 credits for this seminar depending upon the number of assignments completed and the length of their final paper (minimum 20 pages for 3 credits; 10 pages for 2 credits).

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.

Winter 2012 - Todd Ito; Margaret Schilt

**Advanced Legal Writing**

LAWS 79901 - 01 (2) w, x

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.

The course concludes with an eight-hour take-home examination, which determines the student’s grade. Students must complete all assignments before the exam. This course satisfies the requirements of the Writing Project writing requirement.

Winter 2012 - Elizabeth Duquette

**Advanced Topics in Intellectual Property**

LAWS 95112 - 01 (2) x, m

This seminar explores the relationship between intellectual property and other areas of law. IP is frequently treated as a specialized field within the law and within society at large. This seminar will show how IP has become increasingly integrated with other legal fields and social endeavors. We will explore copyright and speech
regulation; the effect of civil procedure on substantive IP rules; patents, copyrights, and social norms as modes of producing and regulating access to creative and scientific works; IP and the theory of the firm; and IP as administrative law.

Grades will be based on short response papers and class participation.

Spring 2012 - Andres Sawicki

**Advanced Torts: Economic Interests**

LAWS 93604 - 01 (2) x, m

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.

Winter 2012 - Thomas J. Miles

**Advanced Trademarks and Unfair Competition**

LAWS 69902 - 01 (2 to 3) +, w, x, m

This seminar addresses current issues and developments such as the Supreme Court's shaping of trademark law over time; the interplay of trademark, right of publicity, and First Amendment law; dilution and the courts' treatment of property conceptions of trademarks; the effect of commercial practices on trademark doctrine, as exemplified by the keyword debate; utilitarian and aesthetic functionality and other limitations on trademark rights; counterfeiting, contributory infringement, and the online marketplace; and unfair competition and misappropriation conceptions of trade identity rights.

Trademarks and Unfair Competition is a prerequisite for the seminar; otherwise instructors' permission is required.

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 2012 - Chad J. Doellinger; David Hilliard; Uli Widmaier

**Agency and Partnership Law**

LAWS 44302 - 01 (2) x, m

Like the law of contracts, agency law principles are basic to an understanding of our legal system and are applied in a great many 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. Common law is the core, but uniform law statutes are also involved. We will emphasize business and commercial contexts, and will also consider some commonly used variants of general partnerships such as limited partnerships and, to a lesser extent, limited liability companies.

A prior course in corporations or business organizations is recommended but not required.
The grade in the course will be based on classroom participation and a written final examination.
Winter 2012 - Robert M. Berger

**American Law and the Rhetoric of Race**
LAWS 49801 - 01 (3) c/l, x
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 2012 - Dennis J. Hutchinson

**Animal Law Seminar**
LAWS 46022 - 01 (2) x, m
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 seminar is not an animal rights class. 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 seminar is graded on regular class attendance, participation, and a final exam.
Spring 2012 - Pamela D. Hart

**Antitrust Law**
LAWS 42801 - 01 (3) x
This course provides an introduction to the law of antitrust. The course focuses on the practices by which competing firms eliminate, or are alleged to eliminate, competition among themselves. The practices considered include formal cartels, price-fixing conspiracies, conscious parallelism, trade association activities, resale price maintenance, and mergers to monopoly and other types of horizontal merger. The course also looks at the practices by which firms, either singly or in combination, exclude actual or potential competitors from their markets, by means of practices such as boycotts, predatory pricing, tying arrangements, vertical integration, and price discrimination under the Robinson-Patman Act. Both price and non-price vertical restrictions are considered.
The student's grade is based on a final examination.
Winter 2012 - Randal C. Picker

**Antitrust Law**
LAWS 42801 - 02 (3) x
This course provides an introduction to the law of antitrust. The course focuses first on the practices by which competing firms eliminate, or are alleged to eliminate, competition among themselves. The practices considered include formal cartels, price-fixing conspiracies, "conscious parallelism," trade association activities, resale price maintenance, and mergers to monopoly and other types of horizontal
merger. The course then looks at the practices by which firms, either singly or in combination, exclude actual or potential competitors from their markets, by means of practices such as boycotts, tying arrangements, vertical integration, and price discrimination under the Robinson-Patman Act. Both price and non-price vertical restrictions are considered.
The student’s grade is based on class participation and a final examination.
Winter 2012 - Andrew M. Rosenfield

Art Law
LAWS 79301 - 01 (3) c/l, x, m
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 2012 - William M. Landes; Anthony Hirschel

Banking Law
LAWS 80201 - 01 (3) x
This course will consider the regulation of banks and other financial institutions in the United States. The focus will be on the current regulatory scheme, with some attention to the recent financial crisis, the history of banking regulation, and proposals for reform.
Spring 2012 - Eric A. Posner

Bankruptcy and Reorganization: The Federal Bankruptcy Code
LAWS 73601 - 01 (3) +
This course studies the Federal Bankruptcy Code, including both the law of individual bankruptcy and the law of corporate reorganization. Topics include the rights of creditors in bankruptcy, the individual’s right to discharge, the relationship between bankruptcy law and state law, the treatment of executory contracts, bankruptcy planning, the restructuring of corporations in Chapter 11, and the procedure for confirming plans of reorganization.
Secured Transactions (LAWS 42201) is a useful, though not absolutely essential, preparation for this course.
The student’s grade will be based on a final examination.
Open to MBA students.
Winter 2012 - Douglas G. Baird

Bankruptcy and Reorganization: The Federal Bankruptcy Code
LAWS 73601 - 02 (3) +
This course studies the Federal Bankruptcy Code, including both the law of individual bankruptcy and the law of corporate reorganization. Topics include the rights of creditors in bankruptcy, the individual’s right to discharge, the relationship between bankruptcy law and state law, the treatment of executory contracts, bankruptcy planning, the restructuring of corporations in Chapter 11, and the procedure for confirming plans of reorganization.
Secured Transactions (LAWS 42201) is a useful, though not absolutely essential, preparation for this course.
The student's grade will be based on a final examination.
Open to MBA students.
Winter 2012 - Douglas G. Baird

Behavioral Law and Economics: Selected Topics
LAWS 51702 - 01 (3) r, w, x, m
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.
Spring 2012 - Jonathan Masur

Board of Director and Management Governance Practices
LAWS 75003 - 01 (3) x, m
This seminar will introduce students to the functions and duties of directors and boards, and to the topics boards in the United States most commonly face. The content will be applicable to both public and private corporations and not for profit organizations. The differences in corporate governance in other countries, as well as current trends in corporate governance, will be discussed. The topics covered include the role of Directors and the Board in: Board Development; Board Member Selection Evaluation; Board Responsibilities Legal and Compliance Duties; Sarbanes Oxley; Fiduciary Integrity; CEO Selection, Evaluation, and Succession Planning; Compensation Practices Corporate Strategy; Shareholder Communications; Crisis, Bankruptcy, and Dissidents; Private Firms and Not For Profit Organizations; International Governance; and Global Trends.
The seminar utilizes the case method and practical examples of real situations are discussed each week. For students to benefit from the course, they must prepare thoroughly for, and actively participate in each class. Students will be part of a 5 person group in the course. Each group will prepare a 2 page weekly paper on the case being discussed starting in week 2. Each group will also research and prepare one paper on international governance in a specific country. Each group will present their paper to the class. There will be no exams. Class participation and contribution will be an important part of the grade and each student has the responsibility of making a contribution in each class. Students will organize study groups of five and their grade will be a group grade for the weekly papers and the international project.
The group grades will be adjusted to reflect individual contribution of the team members at the end of the course. The weighting of the three factors is as follows. Individual Class Participation 30%, Group Weekly Papers 40%, and Group International Project 30%.
The seminar cannot be taken pass/fail.
Auditors will not be admitted to class.
Winter 2012 - Dennis H. Chookaszian
Business Associations I
LAWS 42303 - 01 (3) +
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 2011 - Joseph Isenbergh

Business Associations II
LAWS 42304 - 01 (3) +
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 2012 - Joseph Isenbergh

Business Associations III: Corporate Governance
LAWS 75001 - 01 (3) +
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, Business Organizations, or Business Associations I is a prerequisite for this class. The Corporation Law/Business Organizations/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 2012 - Lisa Bernstein

Business Organizations

LAWS 42301 - 01 (4) +, x

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 2011 - Daniel R. Fischel
Business Organizations
LAWS 42301 - 01 (3) +, x
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.
Winter 2012 - Anthony J. Casey

Business Planning
LAWS 62802 - 01 (2 to 3) +, s, x, m
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 2012 - Keith S. Crow; Keith Villmow

Business of Law
LAWS 61602 - 01 (2 to 3) x, m
This seminar 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 2012 - Bruce W. Melton

Buyouts
LAWS 42602 - 01 (3) w, x, m
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. 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 credit crunches on these transactions. Finally, we will examine the role of the lawyers and bankers who are involved in buyouts.

The class size will be limited to 45.
There will be one 20-page paper.
Grades will be based on the paper and class participation.

Autumn 2011 - Scott Davis

**Capital Punishment in America**
LAWS 99703 - 01 (3)
This course provides a general introduction to death penalty law and practice in the United States. We will explore the constitutional and legal structure of capital punishment (i.e., common law authority, state and federal statutes), the procedures regulating capital trials, judicial and executive review, and the seminal social scientific literature analyzing important aspects of capital charging-and-sentencing systems (e.g., deterrence, incapacitation, cost, wrongful convictions, arbitrariness/capriciousness, and bias).
Grading will be based on regular attendance, in-class participation, and a series of short papers.
Spring 2012 - Sherod Thaxton

**Cicero's De Finibus and Hellenistic Ethics**
LAWS 52401 - 01 (3) +, r, c/l
Cicero's dialogue De Finibus (On Ends) is his attempt to sort out the major arguments for and against the ethical theories characteristic of Epicureanism, Stoicism, and the "New Academy." It thus provides us with some of our best information about the views of these schools, as well as with critical arguments of great interest. We will read extracts from the dialogue in Latin, focusing on Epicureanism (Books I and II) and Stoicism (Books III and IV), and we will study the entire work in translation, along with relevant primary sources for the views of the schools (the surviving letters of Epicurus, central texts of Greek and Roman Stoicism). The course will thus aim to provide a solid introduction to the major ethical theories of the Hellenistic period.
The course is open to all who have had five quarters of Latin, or equivalent preparation. Translation will always take place during the first hour, and students without Latin are invited to take the course for an R or audit, arriving after that time and doing all the readings in translation. In some cases Independent Study numbers may be arranged for students who want to do some of the course requirements (paper and exam essays) without Latin.
Winter 2012 - Martha C. Nussbaum

**Civil Rights Clinic: Police Accountability**
LAWS 90913 - 01 (1) +, a, s
The Civil Rights and Police Accountability Project (PAP) is one of the nation’s leading law civil rights clinics focusing on issues of criminal justice. Through the lens of live-client work, students examine how and where litigation fits into broader efforts to improve police accountability and ultimately the criminal justice system. Students provide legal services to indigent victims of police abuse in federal and state courts. They litigate civil rights cases at each level of the court system from trial through appeals. Some students also represent children and adults in related juvenile or criminal defense matters.

Students take primary responsibility for all aspects of the litigation, including client counseling, fact investigation, case strategy, witness interviews, legal research, pleadings and legal memoranda, discovery, depositions, motion practice, evidentiary hearings, trials, and appeals. A significant amount of legal writing is expected. Students work in teams on cases or projects, and meet with the instructor on at minimum a weekly basis.

Students also take primary responsibility for the Clinic’s policy and public education work. PAP teaches students to apply and critically examine legal theory in the context of representation of people in need. It teaches students to analyze how and why individual cases of abuse occur and to connect them to systemic problems, often leading to “public impact” litigation and other strategies for policy reform. Through our immersion in live client work, we engage fundamental issues of race, class, and gender, and their intersection with legal institutions. We instruct students in legal ethics and advocacy skills. And we seek to instill in them a public service ethos, as they begin their legal careers.

Students are required to complete, prior to their third year, Evidence, Criminal Procedure I, Pretrial Advocacy, and the Intensive Trial Practice Workshop. Constitutional Law III is also recommended.

Autumn 2011 - Craig B. Futterman

Civil Rights Clinic: Police Accountability
LAWS 90913 - 01 (1) a, s, x

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Civil Rights Clinic: Police Accountability

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Students are required to complete, prior to their third year, Evidence, Criminal Procedure I, Pretrial Advocacy, and the Intensive Trial Practice Workshop. Constitutional Law III is also recommended.

Spring 2012 - Craig B. Futterman

Class Action Controversies

LAWS 93602 - 01 (2 to 3) w, s, x, m

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 2012 - Michael T. Brody

Climate Change
LAWS 46012 - 01 (3) r, w, x, m
This seminar will explore the legal and policy ramifications of climate change, focusing on environmental and natural resources law. Topics to be covered will include: the interaction of science and law in climate change policy; the choice of policy instruments to control greenhouse gas emissions; legal tools for adapting to climate change; the politics of climate change policy; the proper level of governance for climate change policy (international, domestic, or local/regional); the moral obligations (if any) to address climate change; and, the suitability of current environmental law for addressing climate change.

Autumn 2011 - Eric Biber

Closing a Deal: Structuring and Documentation of a Secured Loan Transaction
LAWS 71403 - 01 (2) x, m
This seminar will cover the structuring, documentation and closing of a secured loan transaction from the perspective of the secured lender. As counsel for the secured lender we will first consider the best structure for the proposed loans and how both the organization and working capital needs of the borrowers and the underwriting and regulatory constraints of the secured lender influence this structure. We will next assess commitment documentation and syndication. The majority of our time will then be spent analyzing transaction documentation, progressing from the organization of the closing checklist to the negotiation of the credit agreement and finally to the perfection of liens. In this seminar we will discuss not only why transactions and documentation are structured the way they are and the meanings of standard credit document provisions, but also the practical implications for any commercial finance associate living through the transaction.

Spring 2012 - Erin Casey

Commercial Real Estate Finance
LAWS 44002 - 01 (2) +, x, m
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 2012 - James B. Rosenbloom

Commercial Real Estate Transactions
LAWS 44801 - 01 (2) s, x, m
This seminar will examine the fundamental legal and business aspects of commercial real estate purchase and sale transactions. The course will address, among other things, investment motivations, tax considerations, capital structure, title considerations and title insurance and issues arising in the negotiation of purchase contracts.

The grade will be determined by an in-class examination.

Autumn 2011 - James B. Rosenbloom

**Commercial Transactions - Negotiation, Drafting, and Analysis**
LAWS 48604 - 01 (3) x

This course provides intensive instruction in the negotiation, drafting, and analysis of complex commercial contracts. Students will develop the skills necessary to (i) translate a business deal into clear and concise contract terms, (ii) negotiate and draft various types of commercial contracts across multiple industries, and (iii) effectively and efficiently communicate complex commercial and contractual legal issues to clients.

Grades will be based upon weekly written exercises and productive class participation.

Autumn 2011 - David J. Zarfes

**Commercial Transactions - Negotiation, Drafting, and Analysis**
LAWS 48604 - 01 (3) x

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Grades will be based upon weekly written exercises and productive class participation.

Winter 2012 - David J. Zarfes; Seth McNary

**Comparative Legal Institutions**
LAWS 50101 - 01 (3) e, x

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, especially for economic development. 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. There is a paper option for 2L, 3L and LLMs, but it is limited for 1L students.

Spring 2012 - Thomas Ginsburg
Competition Policy in the European Community
LAWS 75402 - 01 (2 to 3) w, x, m
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 seminar 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 seminar 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 2012 - David S. Evans

Complex Corporate Litigation Management
LAWS 52512 - 01 (2 to 3) w, s, x, m
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 on students’ choice of a major paper, several reaction papers or an end of quarter examination and on class participation.

Winter 2012 - Judith Mintel

**Complex Litigation**
LAWS 52412 - 01 (2) s, x, m
An advanced civil procedure class, this seminar 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 2012 - Brian Murray

**Complex Mental Health Litigation Clinic**
LAWS 67014 - 01 (2) +, a, w, s, x
The Complex Mental Health Litigation Clinic teaches litigation skills. Under the supervision of the clinical teacher, students engage in systemic litigation on behalf of indigent, mentally ill clients and not-for-profit mental health organizations under the auspices of the Law School’s Edwin F. Mandel Legal Aid Clinic. Students 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 will 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. 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, and between advocacy on behalf of individual clients and advocacy for systemic change.

See the general rules for all clinical courses for further details concerning enrollment, including the rules governing the award of credit.
The Complex Mental Health Litigation Clinic satisfies part of the writing requirement if substantial written work is completed.

Students will ordinarily be expected to enroll for all six quarters during their second and third years.

Students are required to enroll in both Evidence and Pre-Trial Advocacy during their 2L year.
The course includes a mandatory one-hour weekly classroom component during the Fall Quarter of the student's 2L year for which one credit will be awarded.
The grade will be based entirely upon the student’s performance representing clients in litigation.
Autumn 2011 - Mark J. Heyrman

Complex Mental Health Litigation Clinic
LAWS 67014 - 01 (1) +, a, w, s
The Complex Mental Health Litigation Clinic teaches litigation skills. Under the supervision of the clinical teacher, students engage in systemic litigation on behalf of indigent, mentally ill clients and not-for-profit mental health organizations under the auspices of the Law School’s Edwin F. Mandel Legal Aid Clinic. Students 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 will 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. 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, and between advocacy on behalf of individual clients and advocacy for systemic change.
See the general rules for all clinical courses for further details concerning enrollment, including the rules governing the award of credit.
The Complex Mental Health Litigation Clinic satisfies part of the writing requirement if substantial written work is completed.
The grade will be based entirely upon the student’s performance representing clients in litigation.
Students will ordinarily be expected to enroll for all six quarters during their second and third years.
Students are required to enroll in both Evidence and Pre-Trial Advocacy during their 2L year.
Winter 2012 - Mark J. Heyrman

Complex Mental Health Litigation Clinic
LAWS 67014 - 01 (1) +, a, w, s, x
The Complex Mental Health Litigation Clinic teaches litigation skills. Under the supervision of the clinical teacher, students engage in systemic litigation on behalf of indigent, mentally ill clients and not-for-profit mental health organizations under the auspices of the Law School’s Edwin F. Mandel Legal Aid Clinic. Students 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 will 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. In addition to discrete advocacy skills such as cross-examination, discovery planning, and legislative
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Computer Crime
LAWS 68402 - 01 (2 to 3) w, x, m
This seminar will explore the legal issues involved in the investigation and prosecution of computer crime. We will examine how computers and network technologies are challenging settled legal understandings of the Fourth Amendment, the First Amendment, and the laws of electronic surveillance. The first part of the seminar will address the prosecution of substantive computer crime, which falls into two general categories: computer misuse offenses and traditional crimes facilitated by computers. The second part of the seminar will cover computer crime procedure. We will evaluate the statutory and constitutional regimes that govern the investigation of computer crime, including the Electronic Communications Privacy Act, the Wiretap Act, and the Foreign Intelligence Surveillance Act. Our primary source will be a casebook: ORIN KERR, COMPUTER CRIME LAW (2nd ed. 2009). In addition to the casebook, I will be providing supplemental materials as listed in the syllabus. Students are required to participate in class sessions, prepare discussion papers, and write a paper on an approved topic. Students may opt to write a major research paper for three credits. Winter 2012 - William Ridgway

Conflicts of Law
LAWS 41501 - 01 (3) x
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 and class participation.
Spring 2012 - Daniel Abebe

**Constitutional Decisionmaking**
LAWS 50202 - 01 (3) +, w, s, m
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 2012 - Geoffrey R. Stone

**Constitutional Law I: Governmental Structure**
LAWS 40101 - 01 (3)
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 2011 - Alison LaCroix

**Constitutional Law I: Governmental Structure**
LAWS 40101 - 01 (3) x
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.
Winter 2012 - Aziz Huq

**Constitutional Law II: Freedom of Expression**
LAWS 40201 - 01 (3) +, x
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 2012 - Geoffrey R. Stone

**Constitutional Law II: Freedom of Speech**
LAWS 40201 - 01 (3) +, x
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 2011 - Laura Weinrib

**Constitutional Law III: Equal Protection and Substantive Due Process**
LAWS 40301 - 01 (3) x
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.
Winter 2012 - David A. Strauss

**Constitutional Law III: Equal Protection and Substantive Due Process**
LAWS 40301 - 01 (3) x
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.
Spring 2012 - Gerald N. Rosenberg

**Constitutional Law V: Freedom of Religion**  
LAWS 40501 - 01 (3) +, r, w, x  
This course explores religious freedom in America, especially under the first amendment.  
It is recommended that students first take Constitutional Law I. Students who have completed Constitutional Law IV are ineligible to enroll in this course.  
The grade is based on a substantial paper, series of short papers, or final examination, with class participation taken into account.

Spring 2012 - Mary Anne Case

**Contemporary Virtue Ethics**  
LAWS 99202 - 01 (3) +, c/l, m  
This graduate seminar will study the revival of a neo-Aristotelian ethics of virtue in contemporary moral philosophy, considering, among others, Iris Murdoch, John McDowell, Bernard Williams, Philippa Foot, Nancy Sherman, Henry Richardson, and Alasdair MacIntyre. Is virtue ethics a single movement, with a single set of philosophical motivations and normative commitments, or is it a complicated plurality of positions, motivations, and debates? What is the relationship of virtue ethics to the idea of ethical theory? To the aspiration to put reason in charge of human life? Is virtue ethics inherently conservative, deferring to socially formed passions and patterns of conduct, or is (some form of) it capable of radical criticism of entrenched social norms, e.g. of class, race, and gender? And, if so, how, and with reference to what norms?

The seminar is listed in Philosophy, Law, Religious Ethics, Classics, and Political Science, but students from those units (and others) may enroll only if they have a very ample and solid background in philosophy, such as an undergraduate philosophy major or equivalent preparation, plus permission from me based on examination of written work. MAPH students will need an email from their MAPH preceptor. A written application for permission to enroll is due to me September 20. We will be alluding to the Greeks throughout, so some background in ancient Greek ethics, particularly Aristotle, is highly desirable. Students should have a good translation of Aristotle’s Nicomachean Ethics (Barnes/Ross, or Terence Irwin, or Christopher Rowe) at all times, and if they know even some Greek, they should bring the Greek to class too.

All students will write a 25 page seminar paper. I am happy to grant an extension to the end of the first week of the winter quarter, but if you need a grade to be recorded sooner than that for some reasons having to do with your program, you will need to make arrangements with me.  
In addition, at each seminar meeting after the first, we will hope to have one student presentation, so please think about what topic and date you’d like, as you prepare for the first meeting. Presentation will occupy the final 30 minutes of class. The presenter will circulate a short paper by Friday night prior to the class meeting, and the presentation can thus be a brief introduction of the paper, with an aim to maximize discussion.

For a copy of the syllabus, please contact Lorrie Wehrs at lragland@uchicago.edu.

Autumn 2011 - Martha C. Nussbaum
Contract Drafting and Review
LAWS 79912 - 01 (2) s, x, m
This seminar will serve as an introduction to contracting 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 seminar will address not only legal drafting issues, but also how to understand a client's practical business needs 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 weekly drafting exercises, and a final take-home assignment.
Autumn 2011 - Joan E. Neal

Contract Negotiation: Outsourcing
LAWS 79913 - 01 (3) s, x, u
This class 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(s) 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 teams between class meetings. The simulation may begin with a Request for Proposal ("RFP") and/or term sheet, and continue through the drafting and completion of an 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.
Group work outside of class is required.
Winter 2012 - Joan E. Neal; David J. Zarfes

Contracts and Commercial Transactions
LAWS 91553 - 01 (3) s, x
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). In addition to looking at contracts through the eyes of parties and practitioners, the course will pay considerable attention to how courts have treated various contractual provisions, exploring areas of substantive law—including, and in addition to, contract law—to the extent relevant.
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. 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).

The student’s grade will be based on in-class participation as well as a mid-term exercise and a take-home final exam. The mid-term exercise will involve substantial time spent outside of class negotiating and drafting an agreement and writing a memorandum analyzing this agreement. The take-home final exam will require the student to apply the tools and concepts developed by reviewing and working with contracts throughout this course to an agreement not presented in class or the materials. 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) either transactional offerings at the Law School, including (but, of course, not limited to) either section of “Corporate Lab: Transactional Clinic.”

Autumn 2011 - David J. Zarfes; Michael L. Bloom

Copyright
LAWS 45801 - 01 (3) x
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 2011 - Saul Levmore

Corporate Criminal Prosecutions and Investigations
LAWS 66702 - 01 (2 to 3) x, m

The criminal investigation and prosecution of large-scale corporate fraud is the hottest area of focus for prosecutors and the criminal defense bar. This seminar 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 seminar will address legal and practical issues and concerns from the perspective of the prosecutor, the defense attorney, and in-house counsel.

This is a two-credit class. The student’s grade will be based on a final examination and class participation. This year’s exam will differ from last year’s exam and will be in the form of short essay questions. Students wishing to receive an additional credit may complete an optional 10-15 page paper for a third credit. Papers will be due two weeks after the end of the final exam schedule.
Winter 2012 - Andrew S. Boutros; William R. Hogan

Corporate Finance
LAWS 42501 - 01 (3)
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 structure. 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.

Autumn 2011 - David A. Weisbach

**Corporate Lab: Litigation Clinic**

LAWS 91562 - 03 (3) s, x

The Litigation Lab course brings lawyers and students together to analyze and develop aspects of the lawyers’ ongoing cases. It allows good lawyers to use law students for collaborative help with open cases, and allows law students to learn litigation skills by working with the lawyers. A different lawyer with a different case will participate in almost every class. Typically the lawyer will provide materials for the students to review before the class. During the class, students will discuss, argue, debate, and work with the lawyer to solve hard issues. Following each class, students will complete written materials analyzing and evaluating the problem. In classes when lawyers are not included, students also learn practical litigation skills through various advocacy exercises.

Students will be graded based on active participation and their written materials.

Autumn 2011 - James A. Clark; Catherine Masters

**Corporate Lab: Litigation Clinic**

LAWS 91562 - 03 (3) s, x

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Winter 2012 - James A. Clark; Catherine Masters

**Corporate Lab: Litigation Clinic**

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Spring 2012 - James A. Clark; Catherine Masters

**Corporate Lab: Transactional Clinic**
LAWS 91562 - 01 (3) +, a, s, x

This transactional clinic provides students with a forum for working closely with legal teams at various major companies in the following sectors (subject to change): technology, consulting, telecommunications, and emerging businesses. This section aims to teach practical legal skills and knowledge both by having students work on actual projects and through classroom instruction and discussion. In addition, students will have the opportunity to hear from, and interface with, seasoned practitioners from leading law firms.

This class mirrors a real-world work experience: Students will receive hands-on substantive and “client”-development experience and will be expected to manage and meet expectations (e.g., deadlines) while exercising a high level of professionalism. As a result, this class is likely to involve a significant time commitment (with a substantial amount of work to be completed outside of class), and students will get out of the Lab what they put into it.

Student grades will be based upon participation in the classroom, appropriate attention to “client” service, collaborative efforts within a team environment, and quality of work product. This offering will not count toward seminar restrictions. Please note that students who register are expected to remain in the course for three consecutive quarters, and that students may not take the Corporate Lab for more than nine credits. Students may be required to sign nondisclosure agreements with participating companies. While certainly not a prerequisite, “Contracts and Commercial Transactions” (offered in the fall quarters) is strongly recommended for all students to take prior to, or concurrent with, taking the transactional clinics of the Corporate Lab.

LL.M. students by instructor permission only.

Autumn 2011 - David J. Zarfes; Sean Z. Kramer; Michael L. Bloom

**Corporate Lab: Transactional Clinic**
LAWS 91562 - 02 (3) +, a, s, x

This transactional clinic provides students with a forum for working closely with legal teams at various major companies in the following sectors (subject to change): finance, healthcare, insurance, and aviation. This section aims to teach practical legal skills and knowledge both by having students work on actual projects and through classroom instruction and discussion. In addition, students will have the opportunity to hear from, and interface with, seasoned practitioners from leading law firms.

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LL.M. students by instructor permission only.

Winter 2012 - David J. Zarfes; Sean Z. Kramer; Michael L. Bloom

**Corporate Lab: Transactional Clinic**

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LL.M. students by instructor permission only.
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LAWS 91562 - 02 (3) +, a, s, x
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LL.M. students by instructor permission only.

Corporate Reorganizations: Cross-Border Restructurings and Other Issues
LAWS 73702 - 01 (2 to 3) +, w, x, m
This seminar will explore a variety of issues that arise in cross-border insolvencies, as well as other advanced issues in the law of corporate reorganizations. Readings will consist of case hypotheticals; case law; articles (both academic and “practice oriented”); and pleadings, briefs and orders from “real world” Chapter 11 cases. The instructor is Judge Christopher Sontchi of the United States Bankruptcy Court for the District of Delaware. Judge Sontchi is a graduate of the University of Chicago Law School. Prior to his appointment to the bench, Judge Sontchi was in private practice concentrating on corporate reorganizations under Chapter 11.

The grade is based on class participation and a final examination or a major paper. An introductory course in Bankruptcy is suggested but not required.

Criminal Procedure I: The Investigative Process
LAWS 47201 - 01 (3) x
The course focuses on the constitutional law that governs searches, seizures, and confessions. The course considers in detail the evolution of the exclusionary rule and the development and administration of the probable cause and warrant
requirements. It also examines stop and frisk, administrative searches, searches incident to arrest, vehicle searches, consent searches, and the admissibility of confessions.

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

Autumn 2011 - Jack O’Malley

Criminal Procedure I: The Investigative Process
LAWS 47201 - 01 (3) x

The course focuses on the constitutional law that governs searches, seizures, and confessions. The course considers in detail the evolution of the exclusionary rule and the development and administration of the probable cause and warrant requirements. It also examines stop and frisk, administrative searches, searches incident to arrest, vehicle searches, consent searches, and the admissibility of confessions.

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

Spring 2012 - Bernard E. Harcourt

Criminal and Juvenile Justice Project Clinic
LAWS 67213 - 01 (1) +, a, s, x

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.

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Winter 2012 - Herschella G. Conyers; Randolph N. Stone
Criminal and Juvenile Justice Project Clinic
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Spring 2012 - Herschella G. Conyers; Randolph N. Stone

Current Controversies in Corporate and Securities Law
LAWS 52202 - 01 (3) w, x, m
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 seminar 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 2012 - Richard Shepro
Divorce Law and Practice  
LAWS 93202 - 01 (3) +, w, s, x, u  
This class provides an exposure to the dynamic process of representing clients in a dissolution of marriage case. Completion of basic Family Law is recommended. The class 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 class may be used as partial fulfillment of the JD writing requirement (WP).  
Completion of a basic Family Law class is recommended but not required.  
Autumn 2011 - Donald Schiller

Drafting Contracts: The Problem of Ambiguity  
LAWS 79910 - 01 (2) s, x, m  
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 2012 - Preston M. Torbert

Economic Analysis of The Law  
LAWS 73201 - 01 (3)  
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 2011 - Anup Malani

**Election Law: A Social Science Perspective**

LAWS 95903 - 01 (1) x

This course focuses on two key topics in election law: reapportionment/redistricting and campaign finance regulation. The current round of redistricting that is occurring at present, as well as recent Supreme Court decisions make this a timely topic. We will focus on classic cases in election law, as well as research in political science and economics that bear on those cases.

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

This mini-course will meet January 6, 9, 10 and 11.

Winter 2012 - Richard Holden

**Electronic Commerce Law**

LAWS 61802 - 01 (3) w, x, m

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 2012 - Marsha F. Nagorsky

**Emotion, Reason, and Law**

LAWS 99301 - 01 (3) +, c/l, e, x

Emotions figure in many areas of the law, and many legal doctrines (from reasonable provocation in homicide to mercy in criminal sentencing) invite us to think about emotions and their relationship to reason. In addition, some prominent theories of the limits of law make reference to emotions: thus Lord Devlin and, more recently, Leon Kass have argued that the disgust of the average member of society is a sufficient reason for rendering a practice illegal, even though it does no harm to others. Emotions, however, are all too rarely studied closely, with the result that both theory and doctrine are often confused.

The first part of this course will study major theories of emotion, asking about the relationship between emotion and cognition, focusing on philosophical accounts, but also learning from anthropology and psychology. We will ask how far emotions embody cognitions, and of what type, and then we will ask whether there is reason to consider some or all emotions “irrational” in a normative sense.

We then turn to the criminal law, asking how specific emotions figure in doctrine and theory: anger, fear, compassion, disgust, guilt, and shame. Legal areas considered will include self-defense, reasonable provocation, mercy, victim impact statements, sodomy laws, sexual harassment, shame-based punishments.

Next, we turn to the role played by emotions in constitutional law and in thought about just institutions – a topic that seems initially unpromising, but one that will turn out to be full of interest.

Other topics will be included as time permits.

Undergraduates may enroll only with the permission of the instructor.

Spring 2012 - Martha C. Nussbaum

**Employment Discrimination Clinic**

LAWS 67113 - 01 (1) +, a, w, s, x

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.

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Evidence is a prerequisite for 3L's in the clinic.

Pretrial Advocacy and the Intensive Trial Practice Workshop (or an equivalent trial practice course) are highly recommended for 3L's in the project.

Autumn 2011 - Randall D. Schmidt

Employment Discrimination Clinic

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**Employment Discrimination Clinic**

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Spring 2012 - Randall D. Schmidt

**Employment Discrimination Law**

LAWS 43401 - 01 (2 to 3) w, x, m

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 2012 - James Whitehead

**Entrepreneurship and the Law**

LAWS 61902 - 01 (3) s, x, m

This seminar examines how the legal landscape and structural choices shape entrepreneurial enterprises, particularly micro-enterprises in the US. The seminar 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. Assignments require students to research hypothetical issues and analyze strategies for counseling entrepreneurial clients. This seminar is a prerequisite for participation in the Institute for Justice Clinic on Entrepreneurship. Students' grades will be based on active participation and several short writing assignments.

Spring 2012 - Elizabeth W. Milnikel; Erika Pfleger

**Environmental Law**

LAWS 46001 - 01 (3)

The course offers an introduction to the legal regulation of environmental quality. The course covers the principal federal environmental statutes, particularly the Clean Air Act, the Clean Water Act, hazardous waste regulation and liability, the Endangered Species Act, and the National Environmental Protection Act.
Illustrative topics include the theoretical foundations of environmental regulation, including economic and non-economic perspectives on environmental degradation; the objectives of environmental regulation; the development of information about environmental quality; the appropriate scale of environmental decision making and federalism issues; and the choice of regulatory tools, such as regulation, taxes, marketable permit schemes, liability rules, and informational requirements. The student’s grade is based on a final examination.

Autumn 2011 - Eric Biber

**Ethical Quandaries in Legal Practice**

LAWS 41013 - 02 (2) p, x, m

With the advent of 24-hour news cycles and the proliferation of social media communications, the practice of law, like many professions, is under intense scrutiny from clients, the judiciary, regulators and peers. The attendant risk to the reputations of practicing attorneys is much higher than it has ever been. This seminar will satisfy the professional responsibility/ethics graduation requirement. Through analysis of ethical issues that lawyers operating in the public and private sector face on a daily basis, we will study the challenges, pitfalls, consequences and opportunities associated with the ethical practice of law. Pending confirmation, seasoned attorneys with public sector experience, private practitioners and members of the judiciary will, at times, join portions of the seminar to discuss real world scenarios and provide insight into how attorneys can successfully navigate through ethical minefields.

Winter 2012 - Joseph Alesia

**European Legal History**

LAWS 91901 - 01 (2) x, m

This survey seminar examines major tendencies and most important events in European Legal History. The seminar 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 seminar 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 final exam and class participation.

Winter 2012 - Richard H. Helmholz

**Evidence**

LAWS 41601 - 01 (3) x

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 2012 - Brian Leiter

Evidence
LAWS 41601 - 01 (3) x
This course examines the law governing proof of disputed propositions of fact in criminal and civil trials, including relevance, character evidence, the hearsay "rule" and other rules of exclusion, and examination and privileges of witnesses.
The student’s grade is based on a proctored exam.
Spring 2012 - Emily Buss

Evolution of Legal Doctrines
LAWS 65302 - 01 (3) r, x, m
Legal doctrines have life cycles. They are born and mature. Many doctrines fade and die. There is a form of natural selection among doctrines, with several candidates offering to serve the same function in different ways. This seminar looks at the maturation and replacement of doctrines, posing the question why some die and others survive. Scope is eclectic: the doctrines range from "separate but equal" under the equal protection clause to the "original package doctrine" under the commerce clause, from the appointment of counsel under the Sixth Amendment to the understanding of the Rules of Decision Act (that is, why Swift gave way to Erie). The premise of the seminar is that those who fail to learn from the past are condemned to repeat it.
Autumn 2011 - Frank H. Easterbrook

Evolving Regulation of Financial Institutions and Markets
LAWS 94812 - 01 (2 to 3) x, m
In reaction to the recent market and financial institutions crisis, Congress enacted the Dodd–Frank Wall Street Reform and Consumer Protection Act, which mandates broad changes to the regulation of financial institutions. The Act requires numerous regulatory agencies to promulgate hundreds of new rules—a process that is currently underway. This seminar will consider certain areas addressed by the legislation and the ensuing rule-making process with particular attention to the causes of the crisis and its impact on the financial system. We will critically assess whether these measures are likely to promote the stated goals of the legislators, as well as the merits and feasibility of those goals. To that end, students will form groups concentrating on topics of interest leading to student oral reports and papers. We will meet weekly on Thursdays at 8:50 a.m. No prior courses are required. The Lecturer will provide basic background information concerning the structure and regulation of financial institutions and the features of key transactional arrangements (such as mortgage-backed securities and derivatives). The reading will be eclectic, and will include academic commentary on the subject, official reports on aspects of the crisis and, of course, portions of the legislation and proposed regulation.
Grades will be based on two papers (seven to ten pages each) and oral reports on selected topics.
Students wishing to earn three credits must extend one of the papers to 15-20 pages.
Spring 2012 - James Foorman
Executive Compensation
LAWS 43513 - 01 (3) r, w, x, m
This seminar will explore current issues in the area of executive compensation. We will read examinations of the political implications of our current pay-for-performance culture, recent academic treatments of executive pay in both the finance and law literature, practical guidance issued by law firms and consultants to corporate boards, and expert testimony in current executive pay cases in which the professor is involved. The goal is to cover a mix of practical and theoretical issues in specific topics about pay, all within the larger social and political context. There is a burgeoning legal field of advising clients on these increasingly complex issues, and this seminar is designed to prepare you to enter that field.
Spring 2012 - M. Todd Henderson

Exoneration Project Clinic
LAWS 67413 - 01 (1) +, a, s, x
The criminal justice system is not perfect. Innocent people are sometimes convicted of crimes they did not commit. When that occurs, the consequences for the lives of the wrongfully convicted and their families are truly devastating. By investigating and petitioning courts to reverse wrongful convictions, our Exoneration Project is dedicated to restoring justice. Our project represents innocent individuals who have been wrongly convicted. Students working in our project assist in every aspect of representation including selecting cases, investigating and developing evidence, as well as in-court litigation of post-conviction petitions, petitions for DNA testing, and federal habeas petitions. Students work closely with our clients and have an opportunity to develop their oral and written advocacy skills by preparing written pleadings and by appearing before trial courts and appellate court panels. Through participation in our project students will explore issues of error and inequality in the criminal justice system, including police and prosecutorial misconduct, the use of faulty scientific evidence, coerced confessions, unreliable eyewitness testimony, and ineffective assistance of counsel. The Exoneration Project is an intensive, rigorous experience designed for students who are committed to providing the best possible representation to deserving clients.
Second-year students wishing to enroll in the Project are encouraged to take Evidence in their second year.
Third-year students are required to complete, prior to their third year, Evidence and the Intensive Trial Practice Workshop. Students are also encouraged but not required to take Pretrial Advocacy, Criminal Procedure I, and Criminal Procedure II. 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 2011 - Russell Ainsworth; Tara E. Thompson; Elizabeth Wang

Exoneration Project Clinic
LAWS 67413 - 01 (1) +, a, s, x
The criminal justice system is not perfect. Innocent people are sometimes convicted of crimes they did not commit. When that occurs, the consequences for the lives of the wrongfully convicted and their families are truly devastating. By investigating and petitioning courts to reverse wrongful convictions, our Exoneration Project is
dedicated to restoring justice. Our project represents innocent individuals who have been wrongly convicted. Students working in our project assist in every aspect of representation including selecting cases, investigating and developing evidence, as well as in-court litigation of post-conviction petitions, petitions for DNA testing, and federal habeas petitions. Students work closely with our clients and have an opportunity to develop their oral and written advocacy skills by preparing written pleadings and by appearing before trial courts and appellate court panels. Through participation in our project students will explore issues of error and inequality in the criminal justice system, including police and prosecutorial misconduct, the use of faulty scientific evidence, coerced confessions, unreliable eyewitness testimony, and ineffective assistance of counsel. The Exoneration Project is an intensive, rigorous experience designed for students who are committed to providing the best possible representation to deserving clients.

Second-year students wishing to enroll in the Project are encouraged to take Evidence in their second year.

Third-year students are required to complete, prior to their third year, Evidence and the Intensive Trial Practice Workshop.

Students are also encouraged but not required to take Pretrial Advocacy, Criminal Procedure I, and Criminal Procedure II.

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 2012 - Tara E. Thompson; Elizabeth Wang; Russell Ainsworth

Exoneration Project Clinic

LAWS 67413 - 01 (1) +, a, s, x

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Spring 2012 - Tara E. Thompson; Elizabeth Wang; Russell Ainsworth

**Expressive Dimensions in Law**

LAWS 77702 - 01 (3) w, x, m

People often make descriptive or normative claims about law or legal action based on what one or the other “says.” For example, people claim that law has positive or negative symbolic value, that legal actions such as prosecutions or convictions “send a message,” or that the law influences behavior by its expressive power, separate and apart from its sanctions or legitimacy. In criminal law, some theorists have distinguished punishment from penalties (or prices) by the nature of what punishment expresses. Others claim that we can’t legalize sales of human organs or illicit drugs without sending the “wrong message.” In the law of equality, some theorists have identified the wrong of discrimination, including state discrimination in violation of equal protection, by the nature of what a discriminatory act expresses. Still other theorists posit that law influences behavior across domains by “signaling” information or by changing the “social meaning” of an action. Occasionally, the law tries to regulate the state’s expression, as in the interpretation of the Establishment Clause that prohibits state action that “endorses” religion. In this seminar, we will examine these many different kinds of expressive claims in legal theory and try to come to a more considered, systematic view about them.

Winter 2012 - Richard H. McAdams

**Fair Housing**

LAWS 97312 - 01 (3) w, x, m

This seminar will focus on the law and policy of fair housing, broadly construed. Significant attention will be devoted to antidiscrimination laws in housing, including the federal Fair Housing Act. We will also explore existing and proposed policies for improving access of lower-income people to housing. The dynamics of segregation and concentrated poverty will be examined, as well as the effects of zoning and other land use controls. Additional topics may include urban squatting, rent control, gentrification, subprime lending, the siting of locally undesirable land uses, and the use of eminent domain in “blighted” areas. The student’s grade will be based on a series of short research papers and class participation.

Winter 2012 - Lee Fennell

**Family Law Seminar: Divorce**

LAWS 45003 - 01 (3) x, m

This seminar will explore the substantive and procedural law aspects of a contested divorce proceeding in which custody, visitation, and finances are at issue. Attention will also be paid to the uses and abuses of alternative dispute resolution—both public and private—in family law disputes as well as the role played by a variety of types of expert witnesses. Students will draft papers (including a marital settlement agreement), argue motions, and have the opportunity to take a mock deposition. Readings will be drawn from the academic literature in Family Law, Cases, Practitioner’s Treatises, the academic literature on Civil procedure (including the
effects of fee and cost shifting provisions), and the literature on alternative dispute resolution. A visit to court-call in the Cook County Domestic Relations Division will be required for all those enrolled in the seminar. There is no exam. The seminar will be graded 60% on written work, and 40% on class participation and in-class exercises.

Spring 2012 - Lisa Bernstein

Federal Courts from the Judge's Perspective
LAWS 51402 - 01 (3) r, w, x, m
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 2012 - Diane P. Wood

Federal Criminal Justice Clinic
LAWS 67513 - 01 (2) +, a, s
The Federal Criminal Justice Clinic’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 FCJC is the first legal clinic in the country that exclusively represents clients charged with federal felonies, and is one of only a few legal clinics that allows students to appear in federal district court on behalf of criminal defendants. The clinic’s cases fall into two categories. The first category consists of cases we enter at the time of the arrest, carry through the district court to trial or guilty plea and sentencing, and then carry through appeal and beyond. The second category consists of cases we become involved in at a later stage of the proceedings because they present a novel legal issue or an issue on which there is a circuit split. We join with other defense attorneys who are litigating cases that enable us to raise the legal issue at the district court level, handle or assist in any Seventh Circuit appeals that arise on the issue, and, if necessary, litigate the issue all the way to the United States Supreme Court. FCJC students are generally assigned to cases in teams of two. Students interview clients and witnesses; meet regularly with clients at the federal jail; conduct and participate in bond hearings, preliminary hearings, arraignments, plea hearings, sentencing hearings, and trials; write and argue motions and briefs; negotiate with Assistant United States Attorneys and probation officers; and participate in investigations. Students learn to represent clients at every stage of a federal criminal case by attending required weekly supervision sessions that include skills exercises and simulations, as well as lectures and discussions.
Students enter the FCJC in their third year. Given the intensity and timeline of federal criminal cases, students are required to commit to three quarters in the FCJC, and they receive two credits per quarter, with a required time-commitment of ten hours per week.

The pre-requisites/co-requisites are Evidence, Criminal Procedure I, and Federal Criminal Procedure. Students may take these required courses during their 2L year OR during the fall quarter of their 3L year. In addition, it is strongly recommended that FCJC students also take the Intensive Trial Practice Workshop.

**Autumn 2011 - Alison Siegler**

**Federal Criminal Justice Clinic**

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Spring 2012 - Alison Siegler

**Federal Criminal Practice**

LAWS 47502 - 01 (3) x, m

This seminar, taught by two former 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 seminar 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 actual cases prosecuted in federal court in the Northern District of Illinois.

This seminar is unique in that it will incorporate a practical component into the last four of these subject areas, including: writing and arguing a motion to suppress and a motion to dismiss, and writing and arguing an opening statement and closing
argument. These practical exercises will be based on actual cases brought in federal court, and will give students an opportunity to represent both the government and the defendant.

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, motion to dismiss, opening statement 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 2012 - Lisa M. Noller; Daniel Rubinstein

**Federal Criminal Procedure: From Bail to Jail**

LAWS 47301 - 01 (3) x

This course (formerly called "Criminal Procedure II") conducts a survey of the pre-trial and post-trial federal criminal process from arrest through trial and sentencing. The law that governs after formal proceedings have commenced is based largely on the Federal Rules of Criminal Procedure and on certain constitutional provisions, but is less doctrinal and constitutional than the law that governs during the investigative stage of a case. Topics 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 also examine perspectives on prosecutorial discretion and ethics, as well as ethical issues surrounding the representation of criminal defendants. Various guest speakers typically visit class, including federal district court judges, an Assistant United States Attorney, and a criminal defense lawyer.

The final grade is based on an eight-hour take-home examination. This course will not cover any of the material addressed in Criminal Procedure I, and that course is not a prerequisite.

Autumn 2011 - Alison Siegler

**Federal Jurisdiction**

LAWS 41101 - 01 (3) x

This course covers the role of the federal courts in the federal system. Topics will include federal question jurisdiction, litigation against federal and state governments and their officials, abstention and related doctrines, direct and collateral review of state-court decisions, and congressional control of the jurisdiction of the federal courts.

There are no prerequisites other than Civil Procedure II.

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.

Autumn 2011 - Adam K. Mortara

**Federal Legislative Power**

LAWS 66303 - 01 (2 to 3) +, w, x, m
This seminar examines the legislative powers granted to Congress by the Constitution. Covered topics include well known legislative powers (commerce and spending), lesser known powers (such as copyright power and the power to punish counterfeiting of securities and currency), and quasi-legislative powers (such as the treaty power). The seminar will focus on how courts have defined these powers, how the courts’ treatments comport with different theories of constitutional interpretation, and also more broadly how the specific powers interact with one another—especially how they interact with the Commerce Clause.

Grades will be based on a series of short papers or one longer paper.

Constitutional Law I: Government Structure is a prerequisite.

Winter 2012 - Joshua Z. Rabinovitz

**Federal Regulation of Securities**

LAWS 42401 - 01 (4) +, w, x

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//Business Organizations is a prerequisite, although it may be taken concurrently.

Grades will be based on class participation and a standard final examination.

In addition, we will meet one-hour per week for a laboratory session in which students will work with a corporate lawyer from Chicago and the professor on practical exercises, such as drafting securities documents and negotiating deal terms.

Autumn 2011 - M. Todd Henderson; John P. Kelsh

**Federal Regulation of Securities**

LAWS 42401 - 01 (3) +, x

The securities laws govern the way in which a company may raise, and seek to raise, capital; they also impose substantial ongoing obligations upon companies and their security holders in both private and public contexts. Accordingly, the aim of this course is to provide a basic working knowledge of the securities laws to soon-to-be lawyers who will find themselves advising clients that seek to raise (or have raised) either public or private capital. The course will analyze methods of regulation (and possible alternative methods), the financial/institutional context in which the securities regulations exist, and the application of these regulations to real-world situations.

Corporation Law/Business Associations I/Business Organizations is a prerequisite, although it may be taken concurrently.

Grades will be based on class participation and a final examination.

Spring 2012 - Thomas J. Miles

**Federal Sentencing: Balancing Judicial and Prosecutorial Discretion**

LAWS 47602 - 01 (3) r, w, x, m
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 debate over sentencing disparities.

Reading materials are varied and include Supreme Court and lower court cases, the United States Sentencing Guidelines, law review articles, Sentencing Commission studies and reports, and Department of Justice internal directives. Various guest speakers will visit class, including a federal district court judge and an Assistant United States Attorney.

Each student will be expected to research and write a 20-25 page paper in response to a specific assignment.

Students will be graded based on their written submissions and class participation.

Spring 2012 - Alison Siegler; James M. Burnham

Financial Accounting for Lawyers
LAWS 79201 - 01 (2) s, x, m
The seminar 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 seminar 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 seminar also includes an intense discussion of financial accounting irregularities and financial fraud.

The grade for the seminar will rely heavily on class participation, as well as mid-term and final exam results.

Winter 2012 - David A. Bowers

Food and Drug Law
LAWS 94501 - 01 (3) w
This course explores legal and policy issues in the federal regulation of foods, drugs, medical devices, and other products coming within the jurisdiction of the FDA. It will examine substantive standards applicable to these products and procedural issues in the enforcement of these standards. It will also address the tension between state and federal regulation in this area, constitutional constraints on such regulation, and a variety of other issues relating to the development and marketing of regulated products.

Winter 2012 - Jack R. Bierig

Foreign Relations Law
LAWS 97801 - 01 (3)
This course examines the constitutional and statutory doctrines regulating the conduct of American foreign relations. Topics include the allocation of foreign relations powers between the three branches of the federal government, the status
of international law in U.S. courts, the scope of the treaty power, the validity of executive agreements and the power to declare and conduct war. The course will also focus on the political question and other doctrines regulating judicial review in foreign relations cases. Where relevant, current events will be explored, such as ongoing controversies regarding individual rights during wartime, the post-September 11 war on terrorism and the war in Iraq.

Grades will be based on a final examination.

Autumn 2011 - Daniel Abebe

**Fundamentals of Accounting for Attorneys**

LAWS 79112 - 01 (3) s, x, m

This seminar 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 2011 - Philip Bach; Melissa E. Dugan

**Gendered Violence and the Law Clinic**

LAWS 63313 - 01 (3) a, s, x

When confronted with domestic and sexual violence in our communities, arrest and prosecution of the perpetrator is only one of many potential legal responses. What actions should government and the legal system take to address gendered violence? What tools are available to survivors and how useful are those tools? How can we determine when government intervention is appropriate, required, or counter-productive? Students will explore these issues through a 2-hour weekly seminar, combined with 12 hours per week of field work spent working at the Legal Assistance Foundation of Metropolitan Chicago’s office in the Loop (LAF). Students will work primarily in LAF’s Children and Family Practice Group while accepting some assignments from LAF’s Housing, Consumer, Public Benefits, and Immigrant and Workers’ Rights Practice Groups. Students will assist with representation of domestic and sexual violence survivors to meet a broad range of legal needs, which could include protective orders, divorce and custody litigation, VAWA self-petitions and U-Visa applications, advocacy in child abuse and neglect proceedings, housing and eviction matters, unemployment insurance hearings, and TANF appeals. All students will be expected to interview clients, prepare written discovery, develop witness statements, conduct legal research, and draft pleadings, motions and court orders. Third-year students eligible for a 711 license will appear in court under attorney supervision.
Students will be assigned to the various practice groups based on the capacity of LAF to accommodate the students into each practice area. Prior experience and language skills may be considered in determining each student’s clinical placement. Students’ grades will be based on participation in the seminar, participation and quality of performance in the clinical field work, and a series of reaction/reflection papers. Participation over both Winter and Spring quarters is required.

Winter 2012 - Neha Lall

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LAWS 63313 - 01 (4) a

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Spring 2012 - Neha Lall

**Greenberg Seminar: Crime and Politics in Charm City: A Portrait of the Urban Drug War**

LAWS 95902 - 03 (1) a, x

We will explore these works on crime, politics, and policing in the City of Baltimore: David Simon, “Homicide: A Year on the Killing Streets,” Davis Simon Ed Burns, “The Corner: A Year in the Life of an Inner City Neighborhood,” Peter Moskos, "Cop in the Hood: My Year Policing Baltimore’s Eastern District,” and all of “The Wire.” We will 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 these works also examine, 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 meetings will be 10/19 and 11/9.
Autumn 2011 - Jonathan Masur; Richard H. McAdams

**Greenberg Seminar: Kafka and the Law**

LAWS 95902 - 01 (1) a

Franz Kafka, the greatest lawyer writer of fiction, made law a theme of some of his most important fiction, such as the novel The Trial and the stories In the Penal Colony and The Judgment. And fiction by him that is not directly about law often deals with social problems with which law frequently deals. The seminar will read a number of his fictional works (which are short), and also some of his law-office writing, with a view toward identifying and analyzing the legal and policy themes (but also their philosophical and literary aspects) in his "day job" as a workers’ compensation lawyer and in his fiction.
Interested students should write to all three professors by September 15, saying why they want to take the class and what their relevant background is in literature.
This class is capped at 15. 12 seats will be allocated to J.D. students and 3 to LL.M. students.
Graded Pass/Fail.
Autumn 2011 - Martha C. Nussbaum; Richard A. Posner; Randy L. Berlin

**Greenberg Seminar: Law in Chicago Fiction**

LAWS 95902 - 06 (1) a, x

We will read some plays and novels set in Chicago that address a range of legal issues. Among the readings will be the classics, A Raisin in the Sun, The Jungle, and Native Son.
Graded Pass/Fail.
Autumn 2011 - Emily Buss; Lee Fennell; Richard H. McAdams

**Greenberg Seminar: Religion and the State**

LAWS 95902 - 05 (1) a, x

This seminar will examine the role of religion in such context as civil rights, abortion, evolution, same-sex marriage, the public arena, and political discourse.
Graded Pass/Fail.
Autumn meetings will be October 11, October 25, and November 15.
Autumn 2011 - Geoffrey R. Stone; Jane Dailey

**Greenberg Seminar: The Internet Generation**

LAWS 95902 - 07 (1) a, x

This Greenberg Seminar will read and discuss popular as well as academic thinking about the impact of the Internet on its first generation of full-time users, as well as the impact this generation is having on the future of the Internet and society. We plan to read such books as Jonathan Zittrain’s The Future of the Internet and How
to Stop It; Sherry Turkle's Alone Together: Why We Expect More from Technology and Less from Each Other; Nicholas Carr's The Shallows: What the Internet is Doing to Our Brains; The Googlization of Everything (and Why We Should Worry) by Siva Vaidhyanathan; and perhaps Tim Wu's The Master Switch.

Graded Pass/Fail.
The instructors will provide the books and will meet on Thursday evenings in the faculty members’ home.
Autumn 2011 - Saul Levmore; Julie Roin

Greenberg Seminar: US Foreign Policy after the "Arab Spring" and the Death of Bin Laden
LAWS 95902 - 02 (1) a, x
This Greenberg seminar takes up questions of U.S. foreign policy, with special attention to the Middle East and South Asia, in the wake of Bin Laden's death and the Arab Spring. We will read recent work on specific countries and policy problems, as necessary supplemented by other material.
Graded Pass/Fail.
Autumn 2011 - Aziz Huq; Eric A. Posner; Daniel Abebe

Greenberg Seminar: Wine and the Law
LAWS 95902 - 04 (1) a, x
This seminar will consider the law and politics of wine production and regulation in the US and elsewhere. There will be an empirical research component.
Graded Pass/Fail.
Autumn meeting will be 10/18 and 11/7.
Autumn 2011 - Thomas Ginsburg; Jonathan Masur

Health Law
LAWS 46201 - 01 (3)
This course surveys the law and policy applicable to health care financing and delivery in the United States. The course will split its time between reviewing the new health care bill and covering traditional topics such as informed consent, medical malpractice liability, drug regulation, ERISA preemption, Medicare, Medicaid, and the application of antitrust law to health care.
Autumn 2011 - Anup Malani

Health Law and Policy
LAWS 78801 - 01 (3) c/l
This course explores the laws and 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 consider how these programs seek to resolve the tension between controlling costs, promoting quality, and assuring access. It will also address other federal regulation of health care, including EMTALA and HIPAA. The focus will then shift to legal and policy issues relating to managed care organizations, including the functioning of these organizations and the effect of ERISA on their actions. Next, we will study the
impact of the tax, labor, and antitrust laws, as well as professional self-regulation, on the behavior of physicians, hospitals, and other health care institutions. Interspersed throughout will be discussion of various provisions of the Affordable Care Act.

The student may choose to take a proctored final examination (but only if 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 2011 - Jack R. Bierig

Higher Education And The Law
LAWS 52102 - 01 (3) w, x, m

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 2012 - Arthur M. Sussman

Historic Preservation Law
LAWS 61302 - 01 (2) x, m

We will explore the origins of and rationale for preserving historic and cultural resources and preservation’s place in land use law. The seminar will also cover local and federal landmark laws, to understand the restrictions on owners’ use of their property, enforcement provisions and governmental incentives. We will also cover the relationship between the Fifth Amendment’s taking clause and landmark preservation, particularly as explained in the Penn Central decision.

Spring 2012 - Richard F. Friedman

Housing Initiative Clinic
LAWS 95013 - 01 (1 to 2) a, s

The Housing Initiative is a transactional clinic in which students provide legal representation to community-based housing developers, tenant groups, and other parties involved in the affordable housing development. Students advise clients on structuring issues; negotiate, draft and review construction loan documents, construction contracts, purchase and sale agreements, partnership agreements, and other 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. In addition to working on specific transactions, students in the Housing Initiative meet in a weekly seminar 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 Initiative 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 2011 - Jeffrey E. Leslie
Housing Initiative Clinic
LAWS 95013 - 01 (1 to 2) a, s
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Winter 2012 - Jeffrey E. Leslie

Housing Initiative Clinic
LAWS 95013 - 01 (1 to 2) a, s, x
The Housing Initiative is a transactional clinic in which students provide legal representation to community-based housing developers, tenant groups, and other parties involved in the affordable housing development. Students advise clients on structuring issues; negotiate, draft and review construction loan documents, construction contracts, purchase and sale agreements, partnership agreements, and other 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. In addition to working on specific transactions, students in the Housing Initiative meet in a weekly seminar 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 Initiative 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 2012 - Jeffrey E. Leslie

Housing and Development: Law and Policy
LAWS 98903 - 01 (3) r, x, m
In this seminar we will explore a range of issues concerning American housing law and policy. Topics will include the historical development of interventions in the housing market as well the economic justifications for these interventions. Regulatory and spending programs will be compared and contrasted. We will consider the current mortgage and mortgage foreclosure crisis and its implications for housing policy and law. In addition, we will discuss comparative advantages and disadvantages of government programs designed to stimulate supply and those geared to increasing demand. One class will also be devoted to issues of housing discrimination. We live in a wonderful laboratory for studying what does
and does not work in housing policy. Therefore, where appropriate, we will draw comparisons and contrasts between housing laws and policies in Chicago and those of the nation as a whole. We will likely have a guest speaker join us for one class.

Winter 2012 - Michael H. Schill; Michael A. Stegman

**Immigrant Children’s Advocacy Project Clinic**

LAWS 65013 - 01 (1) +, a, s, x

The Immigrant Child Advocacy Project (ICAP) promotes the best interests—safety and well-being—of unaccompanied immigrant children in the United States. Each year, thousands of children separated from their parents or guardians are detained by the federal government and placed in immigration proceedings. Pursuant to federal law, ICAP is appointed as Child Advocate (best interests guardian ad litem) for the most vulnerable of these children and advocates for their best interests on issues including their care, custody, release, legal relief and repatriation.

Students admitted to the ICAP Clinic are assigned to work one-on-one with a child at a Chicago-area facility (located on the far north and south sides of Chicago). Each student meets weekly the child, and under the direction of an ICAP attorney advocates for the child’s best interests with federal officials, immigration judges, asylum officers and immigration attorneys. As part of this clinic, students serve as the best interests guardian ad litem (Child Advocate), not as the child’s immigration attorney.

ICAP admits both second-year and third-year law students to the clinic. Students who enroll in the clinic must:

1. speak Spanish, Mandarin, Hindi, Gujarati, Punjabi, or Arabic (each year ICAP admits 2 students who speak other languages or only English);
2. participate in a 2-day intensive course (Friday Saturday) during the first week of Fall Quarter;
3. participate in weekly class meetings/case rounds during the fall, winter and spring quarters;
4. serve as Child Advocate for at least two children (including weekly visits to a detention facility on the far north or the south side of Chicago) and submit a best interests brief on each child’s behalf;
5. participate in at least one policy or legislative advocacy initiative at ICAP;
6. commit to at least 2, but no more than 3 quarters in the clinic.

For more information about ICAP, visit: www.ImmigrantChildAdvocacy.org.

Autumn 2011 - Jennifer Nagda; Maria Woltjen

**Immigrant Children’s Advocacy Project Clinic**

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Immigrant Children’s Advocacy Project Clinic

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For more information about the Immigrant Child Advocacy Project, visit:
Spring 2012 - Jennifer Nagda; Maria Woltjen

**Immigration Law**
LAWS 50001 - 01 (2)
This course will focus on an examination of US immigration policy with respect to
the admission and exclusion of immigrants. In particular, the class will focus on:
the federal government’s authority over immigration law and policy; deportation
and removal; the intersection of criminal and immigration law; family-based
immigration; the law of asylum; and citizenship and naturalization.
Winter 2012 - Jennifer Nagda; Elizabeth Frankel

**Independent Research**
LAWS 49901 - 01 (1 to 2 to 3) +, r, w
Second-year, third-year, and LL.M. students may earn course credit by independent
research under the supervision of a member of the faculty. Such projects are
arranged by consultation between the student and the particular member of the
faculty in whose field the proposed topic falls.
Autumn 2011 -

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Winter 2012 -

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Spring 2012 -

**Institute for Justice Clinic on Entrepreneurship**
LAWS 67613 - 01 (1) +, a, s, x
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
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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 unless a student has received special permission from the instructors based on equivalent coursework.

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Spring 2012 - Elizabeth W. Milnikel; Erika Pfleger

**Insurance Law**

LAWS 43601 - 01 (3) x, m

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 2011 - Nathaniel S. Shapo; Jeffrey Lange

**Intellectual Property Litigation: Advanced Issues**

LAWS 98602 - 01 (3) +, s, x, m

Intellectual Property litigation provides a framework for exploring complex federal civil litigation practice. This seminar 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 2012 - Douglas Masters

**Intellectual Property-based Finance and Investment**

LAWS 95113 - 01 (3) w, x, m

Developed economies once resembled a stable three-legged stool -- manufacturing, services and invention. Today, only Intellectual Property (“IP”) and the value it generates remains to support the standard of wealth developed nations have come to enjoy. IP now dwarfs all assets in value-at-risk with intangible assets accounting for over 75 percent of a company’s market capitalization. The seminar will focus on two general topic areas related to IP. First, the class will examine the multiple markets for IP which exist. Second, the class will focus on IP-based asset management and investment banking practices in an attempt to illustrate how economic value can be extracted from IP as an asset class.
Autumn 2011 - Michael D. Friedman

**Intensive Trial Practice Workshop**
LAWS 67503 - 01 (2) +, s, u
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.
The student’s grade is based on class participation.
This practicum meets everyday from 1 p.m. to 6 p.m. (sometimes later) for two weeks starting September 12, 2011. Trial on September 24, 201,1 from 8 a.m. to 1 p.m.
Autumn 2011 - Herschella G. Conyers; Craig B. Futterman; Randolph N. Stone

**International Arbitration**
LAWS 94602 - 01 (3) w, s, x, m
This seminar gives students a basic foundation in the mechanics of international commercial arbitration and an understanding of the tactical choices that frequently confront international arbitration practitioners. With the emergence of the global economy and the explosive growth of cross-border transactions and multinational joint ventures, international arbitration has become the leading mechanism for resolution of international commercial disputes. With parties increasingly unwilling to accept the risks of litigation in the local courts of their foreign business partners, international arbitration agreements are now a mainstay of cross-border commercial transactions. Topics include the crafting of effective international arbitration agreements, the relative advantages and disadvantages of ad hoc UNCITRAL-style arbitration and institutional arbitration (ICC, AAA, etc.), the rules of procedure that govern international arbitration, the difficult procedural issues that commonly arise in international arbitration (such as the availability and extent of discovery, the consolidation of parties and claims, etc.), procedural and substantive issues applicable to investor-state arbitration, the effective presentation of evidence, and the enforcement of international arbitral awards.
The student’s grade is based upon the quality of preparation for and oral participation in the seminar, as well as the quality of a required research paper.
Spring 2012 - Alan D’Ambrosio; Javier Rubinstein

**International Complex Litigation**
LAWS 93605 - 01 (3) x, m
This seminar will explore international issues that arise in civil litigation in U.S. courts. We will consider the various procedural issues that arise when courts are presented with foreign parties, foreign conduct, foreign evidence, and foreign states, and the various international and domestic legal sources that govern how U.S. courts must deal with these ever-increasing complexities in civil litigation. Topics will include subject-matter and personal jurisdiction, forum and venue, choice of law, foreign judgments, and foreign states.
Grading will be based on a final examination, a presentation and short paper on recent developments, and class participation.

Spring 2012 - Zachary Clopton

**International Environmental Law**
LAWS 92702 - 01 (3) w, x, m
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 2012 - Georgie B. Geraghty

**International Finance**
LAWS 48901 - 01 (2)
Today the volume of international financial flows far exceeds the volume of international trade. This mini-course addresses the international regulatory aspects of U.S. domestic banking and security markets and contrasts them with foreign markets. The focus is on U.S., European, and other regulatory systems and the role of international financial institutions. In addition to introductory material on U.S. banking and securities regulation, foreign exchange markets, and the growth of Eurocurrency markets, two particularly current topics will be addressed: (1) international regulatory aspects of the recent international financial crisis and (2) changes in U.S. law made or under consideration to respond to that crisis.
This course is intended to complement, rather than substitute for, courses in U.S. securities and banking regulation, but this course does not assume that students have taken those other courses.
The student’s grade will be based on a take-home exam and class participation.
A vote will be taken on the first day of class to determine when the take-home final will be given.

Winter 2012 - Kenneth W. Dam
International Income Taxation
LAWS 44601 - 01 (3)
This course provides a survey of the income tax aspects of investments and business operations of foreigners in the United States and overseas investments and business operations of Americans. Though the principal focus of the course is on the U.S. tax system, some attention is paid to adjustments between tax regimes of different countries through tax credits and tax treaties.
The student’s grade is based on a final examination.
Spring 2012 - Julie Roin

International Investment Arbitration
LAWS 96403 - 01 (3) r, w, c/l, x, m
This seminar will cover the law and policy of international investment arbitration, a regime of growing importance. It will cover major doctrinal issues as well as social science readings on the origins and consequences of the arbitration regime for development, international relations, and law.
Spring 2012 - Thomas Ginsburg

International Trade Law
LAWS 48401 - 01 (3) e, x
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 2012 - Anu Bradford

Introduction to Islamic Law
LAWS 80212 - 01 (3) c/l
This course introduces students to the structure and central concepts of Islamic law, and explores its implementation in practice through its long history. The course pursues two parallel strands of inquiry. One weekly class meeting is dedicated to a close reading and discussion of primary legal texts in translation. In the second meeting, we trace the historical role of Islamic law in Muslim societies, beginning with the emergence of localized normative traditions and ending with a consideration of the nature of Islamic law in the modern globalized world.
All readings will be in English.
Autumn 2011 - Ahmed El Shamsy

Introduction to Partnership Taxation
LAWS 44301 - 01 (3) +, s
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 investors’ returns. The course uses problem sets to illustrate the application of basic principles to formations, income allocations, borrowings, and distributions of partnerships, with a special focus on using 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.
Winter 2012 - Todd D. Golub; Richard M. Lipton

Introductory Income Taxation
LAWS 44121 - 01 (3)
This course provides a survey of the essential elements of the U.S. income tax, with principal focus on the taxation of individuals. Points of concern are the nature of income, its timing and measurement, the notions of tax benefit and tax incentive, realization, sales and exchanges, the boundary between personal and business expenditures, capital recovery and capital gains, and assignment of income among related taxpayers.
The student’s grade is based on a proctored examination.
Autumn 2011 - Julie Roin

Introductory Income Taxation
LAWS 44121 - 01 (3)
This course provides a survey of the essential elements of the U.S. income tax, with principal focus on the taxation of individuals. Points of concern are the nature of income, its timing and measurement, the notions of tax benefit and tax incentive, realization, sales and exchanges, the boundary between personal and business expenditures, capital recovery and capital gains, and assignment of income among related taxpayers.
The student’s grade is based on a proctored examination.
Winter 2012 - David A. Weisbach

Investment Management
LAWS 80102 - 01 (2 to 3) c/l, x, m
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. Autumn 2011 - Tom Hale

Judicial Decisionmaking Seminar: The Delaware Supreme Court

LAWS 50203 - 01 (3) +, w, s, m
This seminar is a state-law and business-law version of the popular "Constitutional Decisionmaking" seminar offered for many years by Professor Stone. Students enrolled in the seminar will work as student-courts consisting of five “justices” each. During each of the first eight weeks of the quarter, each court will be assigned two hypothetical cases raising issues under Delaware corporate law. The cases will all involve mergers and acquisitions, but no familiarity with this area of law or practice is required or even encouraged. Justice Jack Jacobs of the Delaware Supreme Court will be co-teaching the seminar with Professor Henderson. In the first week of classes, Justice Jacobs will come to Chicago to give an introductory lecture to the student-courts. For the next eight weeks, Justice Jacobs and Professor Henderson will offer written comments on student-court work. (This is an extraordinary opportunity to have your work evaluated by one of the Nation’s leading jurists.) In the final week, Justice Jacobs and Professor Henderson will host a capstone dinner party and discussion of the term. All cases must be decided with a written opinion or opinions. Concurring and dissenting opinions are permitted and even encouraged. The decisions may be premised on a statute that will be provided and on any doctrines or precedents created by the student-courts themselves. The justices may not rely, however, on any actual decisions of any state or federal courts. Real cases may provide ideas, but they may not be cited or used as authority. The seminar is designed to give students some insight into the problems a judge confronts in collaborating with colleagues, interpreting an ambiguous statute, wrestling with legal and policy issues, and then living with the doctrines and precedents created. Corporation Law, Mergers Acquisitions, or any other business-law courses are 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, students must sign up as five-person courts. To be eligible for participation in the seminar, students should send me an e-mail (toddh@uchicago.edu) by Friday, November 11, including the names and e-mail addresses of all five justices. Once courts sign up and are chosen to participate in the seminar, no one will be able to drop the seminar, unless they find a replacement member who agrees to take their place on the court. LLM students are permitted to enroll, but no court may consist of a majority of LLM students.

This seminar will not have regularly-scheduled classes (except as described above), but you should not underestimate the time demands. As with Prof. Stone’s seminar, we expect it to be a very demanding seminar. If more than three courts sign up, I will select the participating courts by lot and I will email you by Monday, November 14, to let you know whether your court has been selected.

Per professor, this course does not need a time slot.

Winter 2012 - M. Todd Henderson; Jack B. Jacobs

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 decision-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.

Spring 2012 - Brian Leiter

Labor History and the Law

This seminar examines the historical relationship between American workers and the law. It focuses on legal contests over workers’ rights in the courts, legislatures, and administrative agencies during the late-nineteenth and twentieth centuries. Readings explore the ways in which law has shaped labor solidarity, class formation, and strategies for organization and resistance. They also consider the influence of
organized labor and of labor law on mobilization for social change, including the movements for civil liberties and civil rights. The seminar concludes by exploring current trends in American labor relations, including recent efforts to curtail the collective bargaining rights of public employees. Grading will be based on class participation, a series of short response papers, and a seminar paper.

Winter 2012 - Laura Weinrib

**Labor Law**

LAWS 43101 - 01 (3) e, x

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 2012 - Laura Weinrib

**Land Use**

LAWS 61301 - 01 (3) x

This course will examine mechanisms for regulating land use and development. We will consider constitutional and other legal limitations on land use controls, as well as political, economic, and other policy considerations that bear on regulatory choices. The interactions among land use controls undertaken by different governing bodies will also receive attention. The student’s grade is based on a proctored final examination; participation may be taken into account as indicated on the syllabus.

Spring 2012 - Lee Fennell

**Law and Advances in Medicine**

LAWS 93302 - 01 (3) w, x, m

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 the Writing Project requirement and which will count for 50 percent of the grade. The other 50 percent will be based on class participation.

Spring 2012 - Julie G. Palmer

**Law and Literature**

LAWS 99302 - 01 (2) x, m

This seminar will use the connections between law and literature to examine the development of law and the role of narrative and concepts of justice in the practice of law. Through reading and discussion of some of the world’s greatest fiction, we will critically analyze legal themes, from their pre-law beginnings as wild justice to the rule of law. It is no coincidence that much of our imaginative literature and
our most popular media entertainment have issues of law as their main themes. Both use the literary imagination to construct a dramatic narrative that engages or persuades. To provide us with fictional illustrations of legal issues, we will read selections from Beowulf, Plato, Sophocles, and Shakespeare, to works by Kafka, Tolstoy and Melville. There will be two short reaction papers, a questionnaire and no final examination. Class size is limited to 12 participants.

Winter 2012 - Randy L. Berlin

**Law and Political Thought: Neoliberalism and Its Critics**

LAWS 70705 - 01 (3) r, w, c/l

What is neoliberal thought, what are neoliberal policies, and what are the major critiques that have been leveled against neoliberalism? These are the questions we will explore in this course, focusing both on the primary texts that are generally associated with neoliberalism (e.g., Hayek and Friedman), as well as the most important critical attacks on neoliberalism (e.g. Harvey, Peck, Klein, and Sen). The term neoliberalism is often misunderstood, although it is nothing more than a neologism that combines the term “neo” (which means the revival of an older thing) with the term “liberalism” (which refers to early liberal economic thought). In this course, we will study the concept in depth in order to get a firm understanding of its theoretical and practical implications.

Winter 2012 - Bernard E. Harcourt

**Law and Politics: U.S. Courts as Political Institutions**

LAWS 51302 - 01 (3) +, r, c/l, m

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.

Papers may meet substantial research paper (SRP) graduation requirement.

Winter 2012 - Gerald N. Rosenberg

**Law and Practice of Zoning, Land Use, and Eminent Domain**

LAWS 90602 - 01 (2 to 3) s, x, m

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 2011 - Thomas F. Geselbracht; Theodore Novak; Paul W. Shadle

**Law and the Economics of Natural Resources Markets**

LAWS 92704 - 01 (3) x, m

Market-based mechanisms such as emissions trading are becoming widely accepted as cost-effective methods for addressing environmental concerns, especially as societies move towards a carbon-constrained future. In the last decade, we have witnessed the expansion of environmental finance to new products - carbon dioxide spot and futures contracts, sulfur dioxide futures and over-the-counter water contracts - that are now fully integrated financial instruments for hedging and speculation. These mechanisms also have potential benefits to address issues in other pressing matters such as water quality, fisheries and biodiversity protection. Like their commodity, equity and fixed-income predecessors, environmental markets did not start by spontaneous combustion. Their successful evolution required the development of specific legal and institutional infrastructures. Financial innovation in general, and the development of the first organized greenhouse gas market in particular, should be of interest to economists, lawyers, policy makers and members of the capital markets.

The seminar will look at financial innovation utilizing the Coasean framework. The study of his work indicates that price mechanism use costs (the sum of infrastructure and transaction costs) have three components: (1) property rights and government regulation; (2) institution-building to minimize transaction costs; and, (3) minimization of per unit transactions costs. The seminar will draw on practical examples from the lecturer’s career to explain the origin and evolution of other markets as a guide in the development of new environmental markets.

The historical evolution and current developments of market-based mechanisms to address environmental issues will be carefully analyzed. Special attention will be given to the analysis of the cap-and-trade program on sulfur dioxide (SO2) established by the Clean Air Act of 1990. A significant part of the course material will be devoted to discussion of the emerging market for greenhouse gas emissions both in the United States and abroad. Other environmental markets (smog, renewable energy, water, sustainability indices and biodiversity) will also be featured.

The seminar will also draw on guest lecturers with expertise in environmental finance and economics.

Small group projects and a final class project will be used to measure student performance.

Spring 2012 - Richard Sandor
Law and the Mental Health System
LAWS 47001 - 01 (3)
The course examines the interrelationship between legal doctrine; procedural rules; medical, cultural, and social scientific understandings of mental disability; and institutional arrangements affecting the provision of services to the mentally disabled. Consideration is given to admission to and discharge from mental health facilities, to competency to consent to or to refuse treatment, to surrogate decision-making for those found incompetent, to the rights of those confined in mental health facilities; to discrimination against the mentally disabled, and to the rights of the mentally disabled in the criminal justice system.
Grades are based on response papers and class participation.
Autumn 2011 - Mark J. Heyrman

Law and the Theory of the Firm
LAWS 61603 - 01 (2) x, m
This seminar examines legal and economic theories of why firms choose certain organizational and capital structures. 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, corporate governance, and intellectual property laws interact with that decision. 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.
Grades will be based on response papers and class participation.
Winter 2012 - Anthony J. Casey

Law, Politics, Economics, and the Making of the Modern Middle East
LAWS 80902 - 01 (3) w, c/l, x, m
This seminar will provide an overview of the dramatic changes to the legal and political systems in the Middle East from the 19th century to the present, and the economic underpinnings of those changes. We will explore how these trends and their backlash have shaped the modern Middle East. This seminar intends to offer students a deeper understanding of the context of current events.
Autumn 2011 - Cynthia Shawamreh

Law, Technology, and Case Management
LAWS 61803 - 01 (3) x, m
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 2012 - David J. Zarfes; Michel Gahard

Leadership
LAWS 75102 - 01 (3) +, a, w, s, m
The divide between law and business is becoming increasingly blurred as clients look to their lawyers not merely for legal advice but also for leadership and results-focused solutions to complex business problems. Increasing competition, early specialization, and client cost constraints provide junior attorneys with few opportunities to develop the skills necessary to meet these increasing expectations. Through this highly intensive, two-quarter seminar, students will develop the judgment and practical skills necessary to become effective leaders and problem solvers, as well as an understanding of the theoretical foundations of effective leadership. Topics will include project management, strategic vision, forms of influence, and business leadership. Materials will include cutting-edge research, case histories, videos, and literature. Class sessions occasionally will include speakers who have played important leadership roles.

The student's grade will be based on active and insightful class participation, reflection papers on assigned readings, and a final paper on an instructor-approved topic of the student's choosing (examples of potential topics include leadership in alliance formation, variations in governing board structures, performance consequences of executive succession, and leadership in outsourcing relationships). Enrollment is very limited given the unique nature of this seminar, and instructor approval is required.

Winter 2012 - David J. Zarfes; Michael L. Bloom

Leadership
LAWS 75102 - 01 (3) +, a, w, s, m
The divide between law and business is becoming increasingly blurred as clients look to their lawyers not merely for legal advice but also for leadership and results-focused solutions to complex business problems. Increasing competition, early specialization, and client cost constraints provide junior attorneys with few opportunities to develop the skills necessary to meet these increasing expectations. Through this highly intensive, two-quarter seminar, students will develop the judgment and practical skills necessary to become effective leaders and problem solvers, as well as an understanding of the theoretical foundations of effective leadership. Topics will include project management, strategic vision, forms of influence, and business leadership. Materials will include cutting-edge research, case histories, videos, and literature. Class sessions occasionally will include speakers who have played important leadership roles.

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Spring 2012 - David J. Zarfes; Michael L. Bloom

**Legal Elements of Accounting**
LAWS 79102 - 01 (1) s, x
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, as well as detection of common accounting manipulation. Current cases, proposals, and controversies will be discussed.

Class will meet nine sessions during weeks 2 and 4 (4/2-5/12 and 4/16-20/12 only,) and completion earns one credit. 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 students, 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 audit but cannot earn credit for both this course and any other law school introductory accounting course.

Spring 2012 - John R. Sylla

**Legal Profession**
LAWS 41002 - 02 (2) p, x
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, and conflicts of interest.

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

Autumn 2011 - Thomas A. Lidbury

**Legal Profession**
LAWS 41002 - 01 (2) p, x
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 2012 - Barry S. Alberts
Legal Profession: Ethics
LAWS 41002 - 01 (3) w, p, x
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.
Autumn 2011 - Adam Hoeflich

Legal Transactions--Retail Sector
LAWS 91592 - 01 (3) c/l, s, x, m
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, corporate 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 2012 - David J. Zarfes; Tony Bangs

Legal Writing and Analysis
LAWS 79902 - 01 (2) x
This course 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 course 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 course 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 2012 - Charles L. Edwards
Legislation and Statutory Interpretation
LAWS 44201 - 01 (3) e, x
Much of lawyers’ work today involves the close reading and interpretation of statutes or like texts. The focus of this class is the study of current theories and problems of reading statutes. The class also encompasses political theory and public choice approaches to the legislative process as they relate to legal interpretation. The class has the aim of bolstering students’ capacity to work with statutes in law school and beyond. At the end of the class, students will have a thorough grasp of the production of statutes by the legislative branch and their use by the courts. The student’s grade is based on a final examination.
Spring 2012 - Aziz Huq

Life in the Law
LAWS 99403 - 01 (2) x, m
This seminar will explore the various definitions and valuations of life across diverse areas of the law. Readings will include seminal cases in reproductive rights, assisted suicide, right-to-die, and capital punishment. Background readings in related areas, i.e., scientific journals, papers, etc. will also be required. The seminar will discuss policy decision-making including actuarial analysis and social, medical and religious values inherent, implicit or ignored in the legal analysis. Students will be required to write three short papers, co-draft a statute in one area of law, and participate in jury deliberations. Grade will also be based on class participation.
Spring 2012 - Herschella G. Conyers

Local Government Law
LAWS 71701 - 01 (3)
This course examines the law regarding provision of public goods and services at the state and local level. It explores the way in which local government law addresses the issues of what services a local government should provide, which residents should receive those services, who should pay for the services provided, and who should provide the answers to the previous questions. It explores the relationship among federal, state, and local governments, with particular emphasis on judicial analysis of the constitutional and statutory bases of those relationships. Grading is based on a proctored final examination; participation may be taken into account as indicated on the syllabus.
Spring 2012 - Lee Fennell

Marriage
LAWS 68001 - 01 (3) r, w, c/l, x
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.
The grade is based on a substantial paper, series of short papers, or final examination, with class participation taken into account.

Spring 2012 - Mary Anne Case

Mass Torts and Complex Class Actions
LAWS 93603 - 01 (3) s, x, m
This seminar 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 four short papers (totaling 20-30 pages) and on class participation. Expectations: This class will be taught as a participatory seminar. Attendance will be expected. Students will not be expected to have already taken a complex litigation class, but should be willing to seek out answers to legal questions relating to mass torts and complex class actions.

Spring 2012 - Adam Hoeftich

Mental Health Advocacy Clinic
LAWS 67013 - 01 (1 to 3) +, a, w, s, x
The Mental Health Advocacy Clinic teaches legislative advocacy and other policy advocacy skills. Under the supervision of the clinical teacher, students engage in legislative and other policy advocacy on behalf of persons with mental illnesses and not-for-profit organizations. Students may research and draft legislation and regulations and supporting materials, devise and implement strategies to obtain the enactment or defeat of legislation, negotiate with representatives of various interest groups, engage in coalition building and testify in legislative hearings. The Mental Health Advocacy Clinic satisfies part of the writing requirement if substantial written work is completed. Prior or contemporaneous enrollment in either Legislation or a course on statutory interpretation is encouraged but not required.

The course includes a mandatory one hour weekly classroom component during the Fall Quarter for which one credit will be awarded.
2-7 credits by agreement with the clinical teacher.
Student may enroll in the course for no more than three quarters.

Autumn 2011 - Mark J. Heyrman

Mental Health Advocacy Clinic
LAWS 67013 - 01 (1 to 2) +, a, w, s, x
The Mental Health Advocacy Clinic teaches legislative advocacy and other policy advocacy skills. Under the supervision of the clinical teacher, students engage in legislative and other policy advocacy on behalf of persons with mental illnesses and not-for-profit organizations. Students may research and draft legislation and regulations and supporting materials, devise and implement strategies to obtain the enactment or defeat of legislation, negotiate with representatives of various interest groups, engage in coalition building and testify in legislative hearings.
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Winter 2012 - Mark J. Heyrman

**Mental Health Advocacy Clinic**

LAWS 67013 - 01 (1 to 2) +, a, w, s, x

The Mental Health Advocacy Clinic teaches legislative advocacy and other policy advocacy skills. Under the supervision of the clinical teacher, students engage in legislative and other policy advocacy on behalf of persons with mental illnesses and not-for-profit organizations. Students may research and draft legislation and regulations and supporting materials, devise and implement strategies to obtain the enactment or defeat of legislation, negotiate with representatives of various interest groups, engage in coalition building and testify in legislative hearings. The Mental Health Advocacy Clinic satisfies part of the writing requirement if substantial written work is completed. Prior or contemporaneous enrollment in either Legislation or a course on statutory interpretation is encouraged but not required. The course includes a mandatory one hour weekly classroom component during the Fall Quarter for which one credit will be awarded. Student may enroll in the course for no more than three quarters.

Spring 2012 - Mark J. Heyrman

**Mental Health Litigation Clinic**

LAWS 67015 - 01 (2 to 3) +, a, w, s

The Mental Health Litigation Clinic teaches litigation skills. Under the supervision of the clinical teacher, students engage in litigation on behalf of indigent, mentally ill clients of the Law School’s Edwin F. Mandel Legal Aid Clinic. Students 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. The most common type of litigation will involve representing persons confined in state hospitals in state trial court hearings concerning the clients’ conditional or unconditional release or their treatment within the hospital. Students will be licensed to appear, under the supervision of the clinical teacher, in state and federal courts pursuant to court rules and practices.

See the general rules for all clinical courses for further details concerning enrollment, including the rules governing the award of credit. The Mental Health Litigation Clinic satisfies part of the writing requirement if substantial written work is completed. Participation in the Mental Health Litigation Clinic is limited to third year students. Prior completion of Evidence is required. (2-6 credits by agreement with the clinical teacher).

Winter 2012 - Mark J. Heyrman
Mental Health Litigation Clinic
LAWS 67015 - 01 (1) +, a, w, s
The Mental Health Litigation Clinic teaches litigation skills. Under the supervision of the clinical teacher, students engage in litigation on behalf of indigent, mentally ill clients of the Law School’s Edwin F. Mandel Legal Aid Clinic. Students 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. The most common type of litigation will involve representing persons confined in state hospitals in state trial court hearings concerning the clients’ conditional or unconditional release or their treatment within the hospital. Students will be licensed to appear, under the supervision of the clinical teacher, in state and federal courts pursuant to court rules and practices.
The Mental Health Advocacy Clinic satisfies part of the writing requirement if substantial written work is completed. Prior or contemporaneous enrollment in either Legislation or a course on statutory interpretation is encouraged but not required.
The course includes a mandatory one hour weekly classroom component during the Fall Quarter for which one credit will be awarded.
Student may enroll in the course for no more than three quarters.
Spring 2012 - Mark J. Heyrman

Michel Foucault 1969-1976
LAWS 51305 - 01 (3) c/l, m
In an interview in 1971 shortly after completing the first year of his annual lectures at the Collège de France, Michel Foucault stated that “the problems surrounding the penal system have interested me for quite a while, so I will undoubtedly deliver a series of courses on the topic over the 27 years that I have remaining at the Collège de France.” The fecund research project that Foucault would launch built directly on his archaeologies of the social sciences and of knowledge and his writings on madness, and ultimately led to the publication in 1975 of Discipline and Punish and in 1976 of The History of Sexuality, Volume I. In this course, we will explore this rich period in Foucault’s thought, paying special attention to the annual lectures at the Collège de France and the published works that serve as book-ends, from The Archaeology of Knowledge (1969) to Discipline and Punish (1975) and passages from Volume I (1976), as well as I, Pierre Rivière (1973).
Autumn 2011 - Bernard E. Harcourt

National Security Issues, Public Policy and the Rule of Law, and the Fostering of Students’ Skills in Analysis and Presentation
LAWS 70703 - 01 (3) +, s, x, m
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 class; 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. Each team will submit a paper after its class presentation, elaborating on the presentation, with citations to, and analysis of, the relevant authorities. Prerequisite: Constitutional Law, or its equivalent. Grades will be based upon the oral presentation, the paper, classroom participation, and team work. All topics will be adjusted, as appropriate, to take account of current events. Spring 2012 - Robert A. Helman

**Negotiation**

LAWS 46702 - 01 (3) s, x, u

Virtually all lawyers, regardless of their specialty, must negotiate. This simulation class is designed to improve students' skills in all phases of negotiation: from understanding prescriptive and descriptive negotiation theory, to the development of negotiation strategy and to the management of integrative and distributive aspects of the negotiation process. The simulation class is based on a series of simulated negotiations in a variety of contexts including one-on-one, multi-party, cross-cultural, third-party and team negotiations, with a special emphasis on the resolution of disputes. The simulation class will be grounded in research from a variety of social science perspectives which will provide students with a framework for analyzing negotiations and with tools for negotiating more effectively. Grades will be based on in-class participation and several short writing assignments. Winter 2012 - Janice Nadler

**Negotiation and Mediation**

LAWS 98801 - 01 (3) s, x, u

This class 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 20 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.

Spring 2012 - David J. Zarfes; Michael L. Bloom

Non-Profit Organizations
LAWS 67802 - 01 (2) +, x, m
The financial crisis and increase in political polarization that we have experienced has led to an increase in the role of non-profit organizations in our economy and democratic processes. However, few professionals understand how the rules applicable to non-profit organizations differ from comparable laws that govern the behavior of for-profit entities. This seminar attempts to fill that gap by exploring the tax and non-tax rules applicable to non-profit organizations. Such topics as fiduciary duties, commercial activities, federal and state tax exemptions, charitable deductions, and limits on lobbying and political activities are included. We dwell on the underlying question of why some activities (and not others) are carried out in the non-profit sector and the erosion of the difference between activities conducted by for-profit and non-profit entities. Think of hospitals; both for-profit and non-profit hospitals provide the same services to customers (patients). However, the tax and non-tax rules that apply to the two categories of hospitals are quite different. We examine these differences and consider whether they make sense.

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

Instructor’s approval is required for students who have not completed or are currently enrolled in Introductory Income Tax.

Enrollment is limited to 20.

Autumn 2011 - William C. Golden

Obscenity Law and Pop Culture
LAWS 53013 - 01 (3) w, x, m
This seminar will examine a culturally relevant issue: the intersection of obscenity laws and pop culture. It will provide an in-depth look at the obscenity laws in the United States, with a particular focus on the laws that prohibit obscene materials of minors. The seminar will explore the "community standards" requirement of obscenity, as it relates to the definition of obscenity and how it interacts with the law's treatment of a teenager's ability to consent to being featured in obscene material.

Students enrolled will write a seminar paper.

Winter 2012 - Rachael Pontikes

Patent Law
LAWS 78001 - 01 (3)
This is a basic course in patent law, in which the class is introduced to the governing statutes, core concepts, and influential court decisions. Students without a technical background are nevertheless encouraged to enroll. Patent cases often involve complicated technologies, but the key to understanding the relevant legal issue almost never turns on an understanding of the patented technology itself.

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

Spring 2012 - Jonathan Masur
Poverty and Housing Law Clinic
LAWS 90512 - 01 (3) a, s, x
This clinic, conducted over two sequential quarters, 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 (LAF), which provides free legal services to indigent clients in civil matters. Students will spend at least twelve hours per week in LAF’s Housing Practice Group or in LAF’s Consumer Practice Group (which handles bankruptcies and foreclosure defense). 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 class at which they will learn about poverty law, public housing, the Section 8 tenant-based and project-based rental assistance programs, the landlord-tenant relationship, eviction actions, jury trial practice, housing discrimination, foreclosure defense, and the extensive and often misunderstood connection between criminal law and subsidized housing.
Enrollment is limited to twelve students.
The seminar is taught by Lawrence Wood (Director, LAF’s Housing Practice Group). 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 2012 - Lawrence Wood

Poverty and Housing Law Clinic
LAWS 90512 - 01 (4) a, s
This clinic, conducted over two sequential quarters, 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 (LAF), which provides free legal services to indigent clients in civil matters. Students will spend at least twelve hours per week in LAF’s Housing Practice Group or in LAF’s Consumer Practice Group (which handles bankruptcies and foreclosure defense). 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 class at which they will learn about
poverty law, public housing, the Section 8 tenant-based and project-based rental assistance programs, the landlord-tenant relationship, eviction actions, jury trial practice, housing discrimination, foreclosure defense, and the extensive and often misunderstood connection between criminal law and subsidized housing.

Enrollment is limited to twelve students.

The seminar is taught by Lawrence Wood (Director, LAF’s Housing Practice Group). 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 2012 - Lawrence Wood

Pre-Trial Advocacy
LAWS 67403 - 01 (2) +, s, x, u

This class 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 class employs a variety of learning methodologies, including lectures, small group discussions, simulated exercises, and videotaped performances by students.

Evidence is a prerequisite (may be taken concurrently).

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 2012 - Mark J. Heyrman; Herschella G. Conyers; Craig B. Futterman; Randall D. Schmidt; Randolph N. Stone

Privacy
LAWS 79501 - 01 (3) x

This course surveys America’s efforts to draw boundaries between the public and private spheres. The course primarily deals with three types of law: the privacy-related torts, constitutional privacy law, and various federal statutes and regulations that govern the collection, aggregation, and dissemination of private information. Substantive topics of discussion may include Internet privacy; health care and genetic privacy; Megan’s Law; the relationship between privacy and the First Amendment; the Fourth Amendment and other restrictions on governmental investigations and surveillance; and the European Data Protection Directive.

The student’s grade is based on an in-class final examination and class participation.

Spring 2012 - Lior Strahilevitz

Private Equity Transactions: Issues and Documentation
LAWS 71402 - 01 (3) +, s, x, m

This seminar will examine from a practical perspective the issues and documentation arising in a typical private equity acquisition transaction. The seminar 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. Coursework 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 2012 - Mark A. Fennell; Stephen L. Ritchie

Private Ownership of Cultural Property
LAWS 94703 - 01 (3) w, x, m

This seminar examines the emerging law of cultural property, and how it has recently been used to limit the exercise of many of the classic attributes of private property: title, use, exclusion, and alienability. The class will begin with the historical and philosophical bases for making property private (Aristotle, Locke, Blackstone, Hume, Demsetz, Rawls, and Nozick), will examine how both private and cultural property are protected in the United States as well as in selected countries abroad and under international conventions, and finally will analyze how the traditional bundle of private property rights can or should be limited by notions of the community interest and a shared cultural heritage.

Spring 2012 - Michael Thompson

Problems in Evidence
LAWS 98503 - 01 (2) +, w, x, m

This seminar will explore problems in evidence. It will begin with an overview of the major historical debates in the law of evidence ranging from the exclusion of hearsay and propensity evidence, to the methods for bringing in character evidence, and to the uses of expert testimony. We will then examine key recent developments in evidence jurisprudence. Topics will include codification of evidence regimes, standards of proof, the use of experts in complex litigation, and the continued use of common law standards in evidence. Attention will be paid to the issues brought up by sex crimes prosecutions, such as that of Dominique Strauss-Kahn, as well as to the uses of experts in special settings such as bankruptcy trials and prison conditions litigation.

Students wishing to meet the WP graduation requirement must write an additional research paper.

Spring 2012 - Julia A. Simon-Kerr

Professional Responsibility in the Real World
LAWS 41013 - 01 (3) p, x

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, will make the rules governing the professional responsibilities of lawyers come alive by discussing a number of examples taken from the headlines and daily practice. Along the way, the instructors will give meaningful insight into what it is 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 aspect of this course. The student’s grade will be based on class participation, a substantial series of short take-home exercises and a final, take-home examination.

Winter 2012 - James E. Clark; Teresa W. Harmon; Michael J. Sweeney
Project and Infrastructure Development and Finance
LAWS 42512 - 01 (2) +, w, x, m
This seminar will be of most interest to students interested in financial transactions as the core of a corporate law practice. There are no pre-requisites. The emphasis in this seminar 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.
Students wishing to meet the WP requirement must write a research paper.
Enrollment is limited to twenty-five students.
Autumn 2011 - Martin D. Jacobson

Property Theory
LAWS 95502 - 01 (2) x, m
This seminar will provide an introduction to the most influential contemporary theories of property, as well as an opportunity to discuss how those theories might approach several important questions within property law. The first half of the seminar will survey the contending theories, including various utilitarian/welfarist theories of property, Lockean and libertarian theories, as well as Aristotelian approaches. The second half will explore various property "controversies" through the lenses of these theories. We will discuss questions such as redistribution, eminent domain, and the right to exclude.
Autumn 2011 - Eduardo M. Peñalver

Prosecution and Defense Clinic
LAWS 67713 - 01 (2 to 4) +, a, s, x
The Prosecution and Defense Clinic provides students with an opportunity to learn about the criminal justice system through: (1) a 2-quarter seminar taught by a former Assistant United States Attorney and a former Federal Defender; and, (2) a clinical placement in either a prosecutor’s office or public defender’s office. The goal of the clinic is to familiarize students with the legal procedures and issues which arise in a typical criminal case as well as ethical and other social justice issues (such as race and poverty) routinely considered by all criminal justice attorneys and courts. The clinic will provide students with a unique combination of substantive criminal law and procedure, ethics, trial practice (through participation in courtroom exercises built around a single federal criminal case), and hands-on experience through a clinical placement.
Each student in the clinic will be responsible for securing a field placement and participating in a pre-screened externship program with a federal or state prosecutor or defender office for the winter and spring quarters (January through May). Examples include the U.S. Attorney’s Office for the Northern District of Illinois, the State’s Attorney’s Office (in any northern Illinois county), the State’s Office of the Attorney General, the Federal Defender Program for the Northern District of Illinois and the Public Defender’s office (in any northern Illinois county). Please note that some offices require law students to apply as early as September for externships beginning the following January. (Additional application details are identified below.) Each field placement will be formally supervised by coordinators within each program’s office, and the faculty instructors will monitor the student’s substantive work and performance in conjunction with the field placements.

Students will comply with the clinical placement’s requirements regarding hours and assignments, which will be considered part of their course grade. In the clinical placements, students may be expected to research substantive criminal law issues, draft affirmative and responsive pleadings and memos, interview witnesses and clients, assist lawyers with court hearings and where permitted (and with an appropriate 711 license), appear in court under the supervision of practicing attorneys.

Other components of each student’s grade are: seminar classroom participation, including discussion of readings; participation in trial practice exercises; twice monthly journal entries; and, a 10-page practice paper or research paper. There is no final exam (in either quarter) and students will earn up to seven credits for the course, depending in part on the number of hours required for the student’s field placement. Because of the practical component, the class size will be limited to 12 students. Both 2Ls and 3Ls may sign up for this course, provided they have taken Evidence (2Ls may take it concurrently). A 711 license is not required, but depending on the placement, may be encouraged.

Winter 2012 - Lisa M. Noller; Gabriel B. Plotkin

Prosecution and Defense Clinic

LAWS 67713 - 01 (2 to 4) +, a, s, x

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Other components of each student’s grade are: seminar classroom participation, including discussion of readings; participation in trial practice exercises; twice monthly journal entries; and, a 10-page practice paper or research paper. There is no final exam (in either quarter) and students will earn up to seven credits for the course, depending in part on the number of hours required for the student’s field placement. Because of the practical component, the class size will be limited to 12 students. Both 2Ls and 3Ls may sign up for this course, provided they have taken Evidence (2Ls may take it concurrently). A 711 license is not required, but depending on the placement, may be encouraged.

Spring 2012 - Lisa M. Noller; Gabriel B. Plotkin

Public Choice
LAWS 69001 - 01 (2)
This course focuses on the relationship between modern perspectives on voting and interest groups on the one hand and legislation and judicial interventions on the other. Public choice is essentially the science of collective decision-making, and it comes with several well developed tools of analysis. With these tools, and that perspective, we revisit the interactions between legislatures and judges, democracy’s attempt to solve certain problems, and the roles played by a variety of legal doctrines and constitutional institutions (from takings law to line-item vetoes and to the meaning of precedents). As the course proceeds, we explore specific topics in law, such as the possibility of judicial vote-trading, the role of referenda in some jurisdictions but not others, and the role of precedent itself.

Grades will be based on an examination, but students can choose to generate half their grade with a short paper related to a topic encountered in class.

Autumn 2011 - Saul Levmore

Public Corruption and the Law
LAWS 68314 - 01 (2 to 3) +, w, c/l, x, m
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 2012 - David H. Hoffman

Public International Law
LAWS 72901 - 01 (3)
This course is an introduction to public international law, which is the body of law that nation states have jointly created for the purpose of governing their relations. The course focuses on the sources of international law, international institutions such as the United Nations, international adjudication, and various substantive fields of international law, such as the use of force, human rights, the treatment of aliens, and international environmental law.

Grades will be based on class participation and an examination.

Non-law students by instructor permission only.

Winter 2012 - Daniel Abebe

Public International Law Research Lab
LAWS 72903 - 01 (1) x
This course is an introduction to research skills needed for public international law work. It complements the Public International Law course. This course focuses on how to identify and locate sources of international law including U.S. treaties and foreign relations documents, decisions of international tribunals, documents of international institutions such as the United Nations and the World Trade Organization (WTO), and specialized resources on substantive fields of international law such as the use of force, human rights, the treatment of aliens, international environmental law, and international litigation.

Each student will submit a paper describing his or her methodology for researching a public international law topic. Grades will be based upon the research paper, classroom participation, and exercises.

Winter 2012 - Lyonette Louis-Jacques; William A. Schwesig

Public Land and Resources Law
LAWS 44501 - 01 (3)
This course introduces the law governing public lands in the United States, including the preservation and the exploitation of the natural resources on those lands. The course deals with the administrative structures and the legal doctrines that have been developed to control use of the public lands, and it takes up selected
subjects to illustrate how the system works. Among possible subjects for inclusion are the national parks, timber policy, grazing rights, mining law, the protection of wildlife, and wilderness preservation.

Autumn 2011 - Richard H. Helmholz

**Readings in Legal Thought**
LAWS 57012 - 01 (1) x, m
Students in this seminar read a selection of important works in the contemporary 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 recent past, authors have included Bickel, Breyer, Calabresi, Frank, Holmes, Llewellyn, Mill, Posner, MacKinnon, Scalia, Sunstein, Tribe, and others.
Enrollment is limited to 14 students, with preference given to third year J.D. and to LL.M. candidates.
Students submit a five to six page reaction paper and read each others’ papers prior to the assigned reading being discussed in class.
Will convene three times: October 17 and November 7 and 28.
Grades are based upon written submissions and class participation.
Autumn 2011 - Douglas H. Ginsburg

**Regulation of Investment Professionals**
LAWS 42402 - 01 (3) +
This course will consider the rules regulating investment professionals. Topics will include the regulation of broker-dealers, hedge fund managers, private equity fund managers, venture capitalists, and others advising individuals and entities on investment matters. We will study the relevant laws, rules of the Securities Exchange Commission, Commodities Futures Trading Commission, and other agencies, as well as the regulations of self-regulatory bodies, like FINRA and the New York Stock Exchange.
Spring 2012 - M. Todd Henderson

**Religion, Law and Politics**
LAWS 97521 - 01 (3) w, c/l, x, m
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.
Spring 2012 - Sylvia Neil

**Remedies**
LAWS 41401 - 01 (2)
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: restitutionary damages; probabilistic recoveries; the relationship between damages and non-legal sanctions; evidential 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. This mini-course meets during the first four weeks of the quarter only. A student’s grade will be based on a 5 hour-take-home exam. Autumn 2011 - Ariel Porat

Residential Real Estate Development and the Law
LAWS 44022 - 01 (2) s, x, m
This seminar 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 agreements 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 2011 - Todd Fishbein

Risk Management and Policy Decision-Making
LAWS 73914 - 01 (2) x, m
Challenges of risk identification, assessment and management are pervasive – in business, politics, and personal life – as shown by the highly disruptive events spreading since 2007 from the capital markets through all sectors of the global economies. This seminar will examine sources of bias, avoidable errors and misapprehension in risk-related decision-making processes, models, assumptions and behaviors. Focus will be on the importance of “black swan” events – the unpredictable and highly consequential. We will also address the significance of risk issues to regulatory and legislative initiatives, and the complexities in achieving desirable and effective policy decisions and solutions.
Readings will be taken from a broad selection of multi-disciplinary sources. Grading will be based on class participation, short written assignments, and a final paper in lieu of an exam.

Autumn 2011 - James R. Peterson

Roman Law
LAWS 47702 - 01 (2 to 3) r, w, x, m
The seminar develops skill in analyzing legal problems according to the processes of the Roman civil law, in contrast with those of the common law, and does not purport to give a comprehensive treatment of its detailed workings. The material provides an outline of the sources and procedure of Roman private law, followed by an examination of the Roman institutional system, the basis of most modern civil law codes. Particular emphasis is given to property and to obligations (contracts and torts). No knowledge of Latin is required for the seminar.
Enrollment is limited to twenty-three students.
A student’s grade is based on 4-5 short papers completed during the course of the quarter.
Writing for this seminar may be used as partial fulfillment of the JD writing requirement (SRP or WP). Any student who wishes to take the seminar to satisfy the SRP requirement should see the instructor about the possibility of writing a longer paper within the framework of the overall seminar.
There is no final examination in the seminar.
Spring 2012 - Richard A. Epstein

Secured Transactions
LAWS 42201 - 01 (3) x
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 2011 - Randal C. Picker

Show Me the Money: Post-Judgment Proceedings and Asset Recovery
LAWS 47302 - 01 (3) w, x, m
A plaintiff client’s ultimate goal in bringing a lawsuit is to actually recover any judgment that is awarded to the client. If you as the client’s lawyer cannot collect -- that is, if you cannot actually get the money, the judgment is of virtually no use to the client. This seminar will explore the procedural and practical steps that a plaintiff can and should take to collect and execute on a judgment, including review and analysis of among other subjects: (a) pre-judgment discovery regarding assets; (b) pre-judgment approaches to freezing assets; c) finality of judgments for purposes of collection and execution; (d) post-judgment proceedings under federal and state law; (e) collection and execution from third parties that hold assets of the judgment debtor; and (f) overcoming asset protection vehicles such as offshore trusts and companies.
At least seventy percent (70%) of the final grade will depend upon a seminar paper grade on a topic related to the issues covered in class. Up to thirty percent (30%) of the final grade will depend upon class participation.

Winter 2012 - Gabriel Aizenberg

**Sports Law**
LAWS 63902 - 01 (3) x, m
This seminar focuses on current issues in sports law including eligibility rules, drug testing, ownership structure, antitrust issues, labor, publicity rights, governance of the game, and the role of criminal and tort law for on-field actions. This seminar will also examine some of the statutes that govern sports in the U.S. such as the Ted Stevens Olympic and Amateur Sports Act.
The student’s grade is based on class participation and a series of short papers.
Winter 2012 - John P. Collins

**Strategic Drafting**
LAWS 79914 - 01 (3) s, x, u
As with writing in any other context, drafting contracts with deftness and effectiveness requires an appreciation for the objectives to be achieved and the audiences to be reached. This class will explore the "real-world" situations in which a lawyer (in particular, a junior lawyer) may be called upon to draft and revise agreements. These situations may be informed by a variety of factors, such as the leverage and posture of the parties, the nature of the relevant relationships at stake, and the allotted resources (e.g., time, money) for drafting and negotiating. Through this class, the student will develop the ability to draft contracts effectively, which (more than crafting an unambiguous sentence) involves strategically and optimally accomplishing the lawyer’s (i.e., the client's) objectives.
Winter 2012 - Michael L. Bloom

**Structuring Venture Capital, Private Equity, and Entrepreneurial Transactions**
LAWS 71401 - 01 (3) +, c/l, s
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 2012 - Jack S. Levin; Don Rocap

**Taxation of Corporations I**
LAWS 75801 - 01 (3) +
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 Taxation is recommended. The student’s grade is based on a final examination.

Winter 2012 - Joseph Isenbergh

**Taxation of Corporations II**
LAWS 75901 - 01 (3)
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 and Introductory Income Taxation are recommended. Students’ grades based on a final proctored examination.

Spring 2012 - Joseph Isenbergh

**Technology Policy**
LAWS 91311 - 01 (2) x, m
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 2012 - Randal C. Picker
Telecommunications Law and Regulation
LAWS 64702 - 01 (3) +
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 and/or antitrust law is helpful, but not required.
Grades will be based upon class participation, a few short reaction/advocacy papers, and a final in-class exam.
Spring 2012 - Joan E. Neal

The Executive Branch
LAWS 68711 - 01 (3) r, w, x, m
This seminar examines the theory and design of the executive branch of the U.S. government. Readings include a mix of original sources like judicial opinions and academic scholarship. Topics include: the theory of separation of powers; the role of the executive during emergencies; the Office of Legal Counsel; the unitary executive; signing statements and legal interpretation by the executive.
Autumn 2011 - Eric A. Posner

The Federal Budget
LAWS 52801 - 01 (3) r, w, x, m
The budget sets the size and scope of government. It affects everything the federal government does. The United States is currently facing a budgetary crisis that will involve hard choices about government spending and taxation. This seminar will examine the federal budget process. It will start by examining the basic facts about the U.S. fiscal situation and budget, how the budget is calculated, and the process by which it is set. The seminar will then turn to central topics within the budget, such as taxation, health care, social security, and discretionary spending. Finally, it will consider budget reform proposals. Students will be expected to write a paper on a topic related to the federal budget.
Spring 2012 - Anup Malani; David A. Weisbach

The Grand Jury: History and Practice
LAWS 51603 - 01 (2) x, m
The grand jury is one of the least-understood institutions within the United States criminal justice system. A pre-constitutional institution with medieval English origins, the grand jury system that survives today is unique to the United States. Critics suggest that the grand jury has become an institution that is paradoxically both too powerful and obsolete, and that its independence and role as a safeguard of liberty has been compromised. In contrast, other proposals have sought to expand the grand jury’s authority to disclose its secret proceedings for national security purposes and to use grand jury evidence in parallel civil litigation. This seminar will examine critically the historical origin, development, and purposes of the grand jury. With this foundation, we will then devote most of the seminar to studying
modern grand jury practice, including the law of secrecy and disclosure, parallel proceedings, the role of immunity and privileges, obstruction and false statement prosecutions, charging instruments, and the regulation of prosecutorial discretion. In doing so, we will consider the perspectives of counsel for witnesses or subjects, government prosecutors, and broader policy interests. Finally, we will consider reform proposals, alternatives to the grand jury, and how the institution may evolve. Grades will be based on response papers together with participation and a practical exercise.

Autumn 2011 - Mark E. Schneider

LAWS 70704 - 01 (3) x
Counterterrorism policy has imposed new demands on criminal procedure, constitutional rights, and international law. This course addresses the legal frameworks and doctrines in domestic and international law that have emerged to accommodate those demands. The aim of the class is both to explore pressing policy questions and to familiarize students with the regulatory structures most often encountered by lawyers (e.g., prosecutors, defense counsel, habeas counsel, administrative agency employees) on the ground. No prior coursework is assumed. The course has been designed so that overlap with Foreign Relations Law will be de minimus. Grades will be based on class participation and a final exam.

Autumn 2011 - Aziz Huq

Topics in Moral, Political and Legal Philosophy
LAWS 78603 - 01 (3) +, r, w, c/l, m
The topic for Winter 2012 will be the "Objectivity of Ethics." We will read classic twentieth-century and contemporary authors on this issue, including G.E. Moore, A.J. Ayer, Charles Stevenson, J.L. Mackie, Gilbert Harman, John McDowell, and Peter Railton, among others. JD students have the option of doing extra work (for substantial writing credit) on Ronald Dworkin's account of the objectivity of ethics and its role in his jurisprudential theory. Students without a background in philosophy should consult the instructor before enrolling. Philosophy Ph.D. students may take this seminar for an 'R' grade (please register under PHIL 51830).

Winter 2012 - Brian Leiter

Topics in Tax Policy
LAWS 55801 - 01 (2) +, x, m
Each week we will discuss a tax policy topic of current interest. Topics covered will include the treatment of marriage in the social security system, consumption taxation versus income taxation, varieties of consumption taxation, formulary taxation vs. separate accounting, deferral vs. territoriality, and the charitable deduction--unless some other issue becomes politically significant between now and January.

Spring 2012 - Julie Roin
Trademarks and Unfair Competition
LAWS 45701 - 01 (3)
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 2011 - William M. Landes

Trial Advocacy
LAWS 67603 - 01 (3) +, s, x, u
This class 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 67503 Intensive Trial Practice Workshop or 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 2012 - Tom Dutton; Kevin Van Wart

Trusts and Estates
LAWS 45201 - 01 (3)
This course examines American systems governing the transfer of property at death and related issues, with occasional glances at other legal systems. We first address statutory schemes for intestate succession. We then contrast the relatively formalistic law of wills (including capacity, execution, modification and revocation, and interpretation) with will substitutes and other comparatively flexible non-testamentary means of transferring property at death, including trusts. We close with a look at fiduciary duties, and in particular the modern prudent investor rule. We will consider both Illinois statutes and the Uniform Probate Code and Trust Act. Recurring course themes are the idea of testamentary freedom; statutory and other constraints on the disposition of property; and legal and other responses to social and technological changes such as assisted conception, artificial life support, untraditional families, and changes in the predominant forms of wealth.
Grades will be based on participation in class discussion, contribution to the class Wiki, and a final examination.
Winter 2012 - Howard M. Helsinger; Michelle Huhnke

U.S. Supreme Court: Theory and Practice
LAWS 50311 - 01 (2) x, m
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 a brief-writing assignment, an in-class oral argument, and class participation.
Winter 2012 - Michael A. Scodro

What They Never Taught You in Law School
LAWS 94203 - 01 (3) x, m
In today’s market, it is more critical than ever that young lawyers know how to network, build professional relationships, and promote themselves inside and outside the law firm. In this seminar, students will receive practical instruction on these topics, as well as individualized coaching, from a former head of litigation at a major law firm who was involved in hiring, evaluations, partnership decisions, and client development. Students will learn what to do (and not do) as law students, summer associates, and young lawyers in order to effectively promote themselves and maximize opportunities (e.g., be offered a job, a choice assignment, a coveted role in a client pitch, a speaking engagement, or a future job opportunity). The seminar will focus on the nuts and bolts of how to raise your profile, differentiate yourself from others, expand your relationships (and network) inside and outside a law firm, and communicate effectively. In addition to class discussion, the last part of each session will include a short videotaped role play (e.g., a group of summer associates talking with a partner at a firm social event; an associate discussing an assignment with a partner; an associate receiving a mid-year evaluation; an associate meeting with a client).
Students who are filmed will receive a DVD of the role play along with feedback (in private). For the midterm, students will be divided into teams (each from a different hypothetical law firm) and will pitch a client to be hired to defend a new lawsuit. For the final exam, each student will prepare a personal business plan.
Spring 2012 - Sheila M. Finnegan

Work and Gender
LAWS 43701 - 01 (2) x, m
This seminar will examine legal issues related to employment and gender. The seminar will begin with a theoretical exploration of the two key themes--work and gender--through the lens of sociological, economic, legal, and feminist scholarship. The seminar will then turn to consider contemporary issues on the law of gender and the workplace. Topics will include sexual harassment, pregnancy discrimination, caregiving accommodations and the intersection of work and family, pay equity, occupational segregation, gender stereotyping, contingent work and low-income workers, and issues facing gay, lesbian, bisexual, and transgender workers.
Grades will be based on response papers and class participation.
Spring 2012 - Naomi Schoenbaum

Workshop: Constitutional Law
LAWS 63612 - 01 (1) a, r, w, m
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 2011 - Aziz Huq; David A. Strauss

**Workshop: Constitutional Law**

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Spring 2012 - Aziz Huq; David A. Strauss

**Workshop: Judicial Behavior**

LAWS 63812 - 01 (1) +, a, r, m

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, six scholars from the fields of law and the social sciences will present their work.
By the end of the academic year, students will produce a major research paper on judicial behavior. The Workshop is limited to twenty law students; interested students should contact Prof. Landes (land@uchicago.edu) by September 7, 2011. It will meet six times over the course of the academic year.

Autumn 2011 - Frank H. Easterbrook; Lee Epstein; William M. Landes; Richard A. Posner

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**Workshop: Law and Economics**

LAW 56012 - 01 (1) a, r, x, m

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 2011 - Omri Ben-Shahar; William H. Hubbard**

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LAWS 56012 - 01 (1) a, r, m

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**Spring 2012 - Omri Ben-Shahar; William H. Hubbard**

**Workshop: Law and Philosophy**

LAWS 61512 - 01 (1) +, a, r, c/l, m

This is a seminar/workshop most of whose participants are faculty from various related disciplines. It admits approximately ten students. Its aim is to study, each year, a topic that arises in both philosophy and the law and to ask how bringing the two fields together may yield mutual illumination. Typically, half of the sessions are led by local faculty, half by visiting speakers. Several sessions involve students only, and are led by the instructors. The leader assigns readings for the session, and the session consists of a brief introduction by the leader, followed by structured questioning by the two faculty coordinators, followed by general discussion. Students write a 20-25 page seminar paper at the end of the year. The seminar satisfies the Law School Writing Requirement. The schedule of meetings will be announced by mid-September, and prospective students should submit their
credentials to both instructors by September 15. Past themes have included: practical reason; equality; privacy; autonomy; global justice; pluralism and toleration; war; sexuality and family.

Students are admitted by permission of the instructors. They should submit a c.v. and a statement (reasons for interest in the workshop, relevant background in law and/or philosophy) to the instructors by e mail. Usual participants include graduate students in philosophy, political science, and divinity, and law students.

Autumn 2011 - Martha C. Nussbaum; Ryan D. Long

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Spring 2012 - Martha C. Nussbaum; Ryan D. Long

**Workshop: Legal Scholarship**

LAWS 78711 - 01 (3) a, r, w, c/l, x, m

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 seminar 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 seminar, 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 2011 - Lisa Bernstein

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Winter 2012 - Lisa Bernstein

Workshop: Legal Scholarship
LAWS 78711 - 01 (2) a, r, w, m
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Spring 2012 - Lisa Bernstein

Workshop: Public Law and Legal Theory
LAWS 63402 - 01 (1) a, x, m
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, with an emphasis on criminal law, legal history, and politics. 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 2011 - Bernard E. Harcourt; Richard H. Helmholz; Alison LaCroix; Jonathan Masur; Richard H. McAdams

**Workshop: Public Law and Legal Theory**
LAWS 63402 - 01 (0) a, m

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Spring 2012 - Bernard E. Harcourt; Richard H. Helmholz; Alison LaCroix; Jonathan Masur; Richard H. McAdams

**Workshop: Regulation of Family, Sex, and Gender**
LAWS 63312 - 01 (1) a, r, w, c/l, x, m

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 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. The grade is based on either a series of short papers or a substantial paper, with class participation taken into account.

Students are welcome to audit any number of meetings of the workshop. Sessions run on Wednesday from either 4:00 to 5:30 p.m. or 4:30-6 p.m.

Winter 2012 - Mary Anne Case

**Workshop: Regulation of Family, Sex, and Gender**
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