THE CURRICULUM

In the course and seminar descriptions that follow, the number in parentheses at the end of the description represents the value of the course or seminar in course hours per quarter. More up-to-date course information is available on the Law School Web page at http://www.law.uchicago.edu/courses/index.html. The course descriptions below, however, provide a representative overview of the curriculum.

FIRST-YEAR COURSES

CIVIL PROCEDURE. 30211. 30221. Civil Procedure is offered in two parts. Part 1 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 2 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 a proctored exam given at the end of each quarter. Autumn (3) Mr. Samaha, Ms. Buss. Spring (3) Mr. Cox, Judge Filip.

CONTRACTS. 30511. 30521. This course, offered over two sequential quarters, addresses the enforceability and interpretation of contractual arrangements, sanctions for their breach, and justifications or excuses for nonperformance. Special attention will be paid to the role of nonlegal sanctions in commercial relationships. The student’s grade is based on a single final examination. Autumn (3) Winter (3) Mr. E. Posner, Mr. Baird.

CRIMINAL LAW. 30311. 30321. 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 the 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 (3) Spring (3) Mr. Bibas.

ELEMENTS OF THE LAW. 30101. 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 proctored final examination. Autumn (3) Mr. Strauss, Mr. Sunstein.
LEGAL RESEARCH AND WRITING. 30711. 30721. 30731. All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellows. 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. In the Spring Quarter, each legal writing section is divided into teams of students to prepare briefs in an appellate case and to argue the case before a panel of judges composed of members of the faculty and practicing lawyers. 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 (2) Winter (1) Spring (1) Ms. Brewster, Mr. Fagundes, Mr. Ford, Mr. Masur, Ms. Smolensky, Ms. Wexler.

PROPERTY. 30211. 30421. 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. Winter (3) Spring (3) Mr. Helmholz, Mr. Strahilevitz.

TORTS. 30611. 30621. 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, is compared. The student’s grade is based on class participation and a single final examination. Autumn (3) Mr. Epstein, Mr. Miles. Winter (3) Mr. Levmore, Mr. Gersen.

ELECTIVE. In the Spring Quarter, first-year students elect one course from a prescribed list of six upper-division courses and seminars.

SECOND- AND THIRD-YEAR COURSES & SEMINARS

ADMINISTRATIVE LAW. 46101. This course examines the constitutional and statutory framework surrounding the operation and governance of administrative agencies. The first part of the course focuses on constitutional topics, including the non-delegation doctrine, presidential control over administrative agencies, and the delegation of adjudicative authority to non-Article III officers. In particular, it examines whether and to what extent the arrangements that mark the modern administrative state are consistent with the structural objectives that underlie our constitutional system of separated powers and checks and balances. The second part of the course considers the Administrative Procedure Act (APA). In particular, it examines both the safeguards and pathologies that have emerged after more than a half-century of experience with the APA’s prescribed framework for rule-making, adjudication, and judicial review. The student’s grade is based on class participation and a final examination. Autumn (3) Mr. Abramowicz. Winter (3) Mr. Gersen.
ADMIRALTY LAW. 71001. 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 examination. Autumn (3) Mr. Schmidt.

ADVANCED ANTITRUST: SPECIAL TOPICS IN MERGERS AND ACQUISITIONS. Spring (3) Mr. Rosenfield.

ADVANCED CIVIL PROCEDURE: COMPLEX LITIGATION. 52502. The focus of this seminar is on preparing for and trying today’s increasingly complex civil litigation. Topics include consolidation, joinder, intervention, and class actions; depositions and other discovery techniques; case management; trying the case; and ADR alternatives. The perspective is that of a practicing trial lawyer dealing with these issues under the Federal Rules, supplemented by a critical look at how these procedures might be improved to the benefit of our civil justice system. This seminar may be taken for fulfillment of the Substantial Writing Requirement. Enrollment is limited to 25. Grading is based on a written paper on a litigation subject of the student’s choice. Spring (3) Mr. Jentes.

ADVANCED ISSUES IN CRIMINAL PROCEDURE. 60802. This seminar addresses various legal issues related to the criminal process, and it frequently analyzes them through the lens of the complex federal criminal case. The issues include questions relating to electronic monitoring and investigative techniques, grand jury charging practice and rules, discovery, joinder and severance, evidentiary matters, suppression motions, sentencing, and prosecutorial and judicial discretion. The setting of the complex criminal prosecution is chosen because the importance of the aforementioned issues is often magnified in that context. The course will attempt to explore the various legal and policy issues implicated by each subject area. The student’s grade is based on a final major paper which may be written to fulfill one of the substantial writing requirements. Seminar registration is limited to 15 students. Winter (3) Judge Filip.

ADVANCED ISSUES IN TELECOMMUNICATION LAW. 64802. This seminar allows students to focus on advanced issues beyond those explored in the core telecommunications course. The seminar analyzes the interplay of antitrust and regulatory regimes, including the uses of regulation to create barriers to entry. The seminar will include current topics in regulatory policy, especially those deriving from cable, wireline and wireless competition, internet telephony, and access of content, hardware and software providers to these distribution channels. Students will have the opportunity for independent research and writing, which may cover international subjects. Students must have taken Telecommunications Law (704) or receive instructors’ permission to enroll. This seminar may be taken for fulfillment of the Substantial Writing Requirement. The student’s grade is based 50% on a substantial paper and 50% on class participation. Enrollment is limited to 20. Spring (3) Mr. Kamin, Mr. Harrington.
ADVANCED SECURITIES. 48701. This course picks up where the basic securities course leaves off. It covers the regulation of stock and futures exchanges (and other “self-regulatory organizations”), broker-dealers, and investment advisers, and the allocation of responsibilities between the SEC and the CFTC. It includes some issues in the regulation of tender offers and other control transactions that are omitted from the basic course. Topical subjects, such as legislative and regulatory initiatives, the regulation of derivatives, and the listing of securities of foreign issuers, also receive attention. The student’s grade is based on class participation and a final proctored exam. Spring (3) Judge Easterbrook.

ADVANCED TRADEMARKS AND UNFAIR COMPETITION. 69902. This seminar addresses current issues and developments such as: the constitutional foundations and limitations of trademark protection; domain names and cybersquatting; the geographic scope of trademark rights; empirical proofs and elusive harms; dilution, property rights, and misappropriation; the proliferation of subdoctrines; configuration, functionality, and secondary meaning; parody and commercial speech; and the right of publicity. Trademarks and Unfair Competition is a prerequisite for the seminar. This seminar may be taken for fulfillment of the Substantial Writing Requirement. The student’s grade is based on a substantial paper or several short thought papers, and class participation. Enrollment is limited to twenty-two students. Winter (3) Mr. Hilliard, Mr. Widmaier, and Mr. Doellinger.

AFFORDABLE HOUSING TRANSACTIONS. 97202. This seminar combines an examination of the substantive law and policy of affordable housing development with training in specific legal skills relevant to transactional practice generally. The course follows a hypothetical housing transaction from its inception to closing, providing context for discussion of the legal and policy issues related to affordable housing development and providing opportunities to participate in skills simulations in three major areas: interviewing, negotiating, and drafting and review of transactional documents. Substantive legal topics include current issues in urban housing policy, including mixed-income housing and the merits of housing vouchers versus supply-side subsidies; low-income housing tax credits; tax-exempt multifamily housing revenue bonds; mortgage financing; and choice of entity considerations. Students’ grades will be based on a series of short written assignments and participation in class discussions and simulations. Limited enrollment, with preference to students enrolled in the Irwin Askow Housing Initiative. Autumn (2) Mr. Leslie.

AMERICAN INDIAN LAW AND POLITICS. 80302 (=PLSC 40302). This course will survey the evolution and present state of American Indian law and politics in the United States, with a primary focus on federal-tribal relations and secondary emphases on state-tribal relations and the government of reservations themselves. Topics will include treaties; land rights; sovereignty; allotment and termination; federal jurisdiction over reservations; religious freedom; and civil liberties issues on reservations. Option of a research paper or a final exam. Enrollment limited to 25. Autumn (3) Mr. Levy.

AMERICAN LAW AND THE RHETORIC OF RACE. 49801 (LLS0 24300, = POLSCI 27300). 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 (3) Mr. Hutchinson.

**AMERICAN LEGAL THEORY. 57802.** This seminar begins with Blackstone’s Commentaries, which shaped American legal consciousness in the late eighteenth and most of the nineteenth centuries. It then considers the jurisprudential revolution of the early twentieth century, focusing particularly on the ethical skepticism of Oliver Wendell Holmes and the legal realists. The bulk of the seminar is devoted to an assessment of current schools of legal thought — law and economics, critical legal studies, feminism, and natural justice. The readings include works by Jerome Frank, Richard Posner, Duncan Kennedy, Carol Gilligan, Catharine MacKinnon, Robin West, Arthur Leff, Michael Moore, Abraham Lincoln, and others. Satisfies part of the writing requirement if substantial written work is completed. A paper will be required. Spring (3) Mr. Alschuler.

**ANALYTIC JURISPRUDENCE. 49602.** This seminar is an in-depth exploration of the major themes and theorists of contemporary analytic jurisprudence. Among the authors to be read and discussed are Hans Kelsen, H.L.A. Hart, Lon Fuller, Ronald Dworkin, and Joseph Raz. Schools of thought to be explored will be legal positivism, American Legal Realism, legal pragmatism, and natural law theory. Some focus on the nature of law itself, but greater attention will be paid to jurisprudential consideration of important themes in legal reasoning and legal argument, including rule-based decision-making, precedent, analogy, interpretation, authority and authorities, formalism, common and civil law reasoning, and Legal Realist challenges to and questions about the foregoing. Examples will come from common law, statutes, regulations, and constitutional law. No prior training in jurisprudence or philosophy is necessary or expected. A student’s grade will be based on class participation and a major paper, which may be used to fulfill a substantial writing requirement. Autumn (3) Mr. Schauer.

**ANTITRUST AND INTELLECTUAL PROPERTY: READINGS. 94702.** This seminar will look at a mixture of old and new materials on the intersection of antitrust and intellectual property, focusing on copyright and patent. Possible topics include webcasting, compulsory licensing, cable, and open access. Students write reaction papers to the readings. The student's grade is based on participation and the reaction papers. The reaction papers do not fulfill one of the substantial writing requirements. Spring (3) Mr. Picker.

**ANTITRUST LAW. 42801.** 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 a final examination. Winter (3) Mr. Picker.
APPELLATE ADVOCACY CLINIC. Directed by Professor Mikva, the Appellate Advocacy Clinic will be available to four (4) third-year students. Each of the students will be responsible for briefing and arguing a criminal appeal to the United States Court of Appeals for the Seventh Circuit in Chicago. Professors Mikva, Meares, and Harcourt will work with the students in the preparation of the briefs and mooting them for oral arguments. Each of the students will receive a license under Illinois Supreme Court Rule 711 for these purposes, and Professor Mikva will serve as the attorney of record. The principal brief will be due in early December, and the reply brief and oral argument will be scheduled for the Winter quarter. All of the appeals stem from trials that have taken place in the U.S. District Court for the Northern District of Illinois. Participants will be selected based upon an interview with Professor Mikva. Applicants must have completed a course in Evidence and at least one course in Criminal Procedure. Students who are selected will be undertaking a major responsibility for which they should be prepared to devote substantial time. Autumn (3) Winter (1) Spring (2) Judge Mikva.

ART LAW. 79301. (=ARTH 495) This course 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 (2) Mr. Hirschel, Mr. Landes.

BANKRUPTCY AND CORPORATE REORGANIZATION: ADVANCED ISSUES. This seminar will focus on a number of cutting-edge issues in modern reorganization practice, including substantive consolidation, critical vendor orders, and bankruptcy remote entities. Student’s grades are based on in-class presentations and a take-home exam. Spring (3) Mr. Baird.

BANKRUPTCY AND REORGANIZATION: THE FEDERAL BANKRUPTCY CODE. 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. The student’s grade will be based on a proctored final exam. Winter (3) Mr. Malani. Spring (3) Mr. Baird.

BUILDING JUSTICE IN IRAQ. This seminar will study the measures taken to improve the justice system in Iraq, examine their effects, assess their legality under international law, compare them to measures taken in other countries (whether in the context of occupation or otherwise), discuss what could or should have been done differently, and seek to draw lessons for the future. Readings will include documents actually used in proposing, planning, assessing, and implementing measures in the justice sector in Iraq, as well as other literature. Class discussion will center on understanding and evaluating the measures actually undertaken by the Coalition in the Iraqi justice sector. The grade will be based on class participation and a series of short papers. Winter (3) Mr. Fein.
BUSINESS PLANNING. 62802. This seminar develops and applies the student's knowledge of taxation and corporate and securities law in the solution of a series of transctional 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 and Taxation of Corporations I or receive instructor approval. The student's grade is based on class participation and a final examination. Winter (2) Mr. Crow and Mr. Villmow.

CIVIL LIBERTIES AND NATIONAL SECURITY. Civil libertarians have assailed the administration's response to 9/11 as an unprecedented attack on individual rights. This seminar addresses some of the questions implicated by this criticism. Is the administration's position unprecedented? Has the reaction to 9/11 been different, in kind or degree, from the reaction by earlier administrations to perceived threats? Is it fair even to characterize the administration's response as an attack on civil liberties, rather than a temporary and reasoned response to an imminent threat, as the administration contends? Relying on a number of precedents, including Lincoln's unilateral decision to suspend the Writ of Habeas Corpus during the Civil War, the Espionage and Sedition Acts of WWI, and the Japanese internment orders and the declaration of martial law in Hawaii during WWII, this seminar will examine the administration's response to 9/11 in a broader historic and jurisprudential context. The student's grade is based on a paper. Winter (3) Mr. Margulies.

CIVIL RIGHTS CLINIC: POLICE ACCOUNTABILITY. 90913. 90923. 90933. The Police Accountability Project (PAP) is a start-up project that began in Fall 2000. The Project's goals are to enhance police accountability and improve police services in Chicago through a combination of litigation and non-litigation strategies. Through the lens of live-client work, students study the nature of police accountability and misconduct in Chicago and the primary challenges to improving police services. Together, we examine how and where litigation fits into broader efforts to improve police accountability and ultimately our criminal justice system. PAP provides legal representation to indigent victims of police abuse in federal civil rights cases, administrative proceedings, and a limited amount of state criminal litigation. The Project takes on cases that would not ordinarily be brought by the private bar, focusing on those that have potential to raise public consciousness and to facilitate reform. Students work on all aspects of PAP's litigation, from early case investigation and the filing of a complaint through all pretrial, trial, and appellate advocacy. In addition to its litigation activities, PAP has developed a number of programs and reform-oriented strategies in partnership with a diverse array of community, legal, and law enforcement groups. For example, PAP has formed a partnership with public housing residents in Stateway Gardens, a public housing community just a 10-minute drive away from the Law School, to address police accountability, service, and community relations issues. As with PAP's litigation activities, students are fully integrated into PAP's public education, policy reform, and community work. Students are also expected to develop and update PAP's project manual. Second year students wishing to enroll in the Project are strongly encouraged to take Evidence and Criminal Procedure I early in their second year. Constitutional Law III is also recom-
mended. Third year students are required to complete, prior to their third year: Evidence, Criminal Procedure I, either Pretrial Advocacy or Major Civil Litigation, and either the Intensive Trial Practice Workshop or Trial Advocacy. Enrollment in PAP is limited and preference will be given to students who have taken the Intensive Trial Practice Workshop and Pretrial Advocacy. Autumn (var) Winter (var) Spring (var) Mr. Futterman.

CLASS ACTION CONTROVERSIES. 93602. This seminar will address the governing legal principles and current issues in class action litigation in federal and state courts. The seminar will discuss the requirements of Rule 23, recent court decisions, legislative modifications to class action practice, constitutional principles applicable to class actions, and legal, practical, and ethical issues that arise in class actions in federal and state courts. 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. Winter (3) Mr. Brody.

COMMERCIAL TRANSACTIONS. 42101. This course studies modern commercial transactions and the various legal doctrines and institutions that affect them, including negotiable instruments, letters of credit, documents of title, and the law of agency. The student’s grade will be based on a proctored final exam. (Not offered 2005-2006).

COMPLEX APPELLATE LITIGATION. 51002. This seminar focuses on developing the skills necessary to handle complex appellate cases. Litigation in the federal courts of appeals and the U.S. Supreme Court requires skills not usually possessed by trial lawyers. Many cases in the federal courts of appeals are direct appeals from government agency actions without an intervening district court decision. Even when the government is not a party and private parties appeal the district court's decision, the outcome may depend significantly on the interpretation given to federal statutes and government regulations. Both types of cases may involve complex factual records that need to be distilled and presented effectively in the limited pages and oral argument time allowed by modern appellate courts. In addition, the outcome in complex appellate litigation often depends on difficult constitutional and administrative law issues or the court's perspective on hotly contested public policy questions. In lieu of a paper or examination, students are required to prepare short appellate briefs and to present oral arguments in the context of hypothetical problems closely approximating those encountered in a sophisticated appellate practice with a government agency, private law firm, or public interest group. (Not offered 2005-06).

COMPLEX LITIGATION MANAGEMENT. High stakes, high visibility corporate litigation creates the need for high quality legal reasoning. It also demands a large team of people with diverse skills and knowledge about such things as team management, economics and the marketplace, good public policy choices, the media and public response, the courts, a jury, the opposition, and the client, just to begin the enumeration. This seminar involves several case studies of litigated disputes involving hundreds of millions of dollars that galvanized the media. 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. Stu-
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 litigation. 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 class participation and students’ choice of either a paper or end of quarter examination. Spring (3) Ms. Mintel.

CONFLICTS OF LAW. 41501. An inquiry into the adjudication of cases connected with more than one state, principally through consideration of choice of law, personal jurisdiction, and respect for prior judgments. Autumn (3) Mr. Isenbergh.

CONSTITUTIONAL DECISION MAKING. 50202. 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 four 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. This course may be taken for fulfillment of the Substantial Writing Requirement. Spring (3) Mr. G. Stone.

CONSTITUTIONAL LAW I: GOVERNMENTAL STRUCTURE. Analysis of 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 (3) Mr. Currie. Winter (3) Mr. Kontorovich. Spring (3) Mr. Samaha.

CONSTITUTIONAL LAW II: FREEDOM OF SPEECH. A study of the doctrine and theory of the constitutional law of freedom of speech. The subjects for discussion include advocacy of unlawful conduct, defamation, invasion of privacy, commercial speech, obscenity and pornography, offensive speech, symbolic expression, restrictions on the speech of government employees, restrictions on speech in schools and colleges, the relevance of free speech principles to museums and libraries, protest in public places, regulation of campaign expenditures and communications, freedom of the press as a distinct principle, and regulation of the electronic media. The student’s grade is based on a final examination and class participation. Students who have completed Constitutional Law IV are ineligible to enroll in this course. Winter (3) Mr. G. Stone. Spring (3) Mr. Hamburger.
CONSTITUTIONAL LAW III: EQUAL PROTECTION AND SUBSTANTIVE DUE PROCESS. This course considers the history, theory, and contemporary law of the post-Civil War Amendments to the Constitution, particularly the Equal Protection and Due Process Clauses of the Fourteenth Amendment. The central subjects are the constitutional law governing discrimination on the basis of race, gender, and other characteristics; and the recognition of individual rights not explicitly enumerated in the Constitution. Time permitting, we will also address the constitutional distinction between state and private action. 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 proctored final examination. Autumn (3) Mr. Strauss. Winter (3) Mr. Strauss.

CONSTITUTIONAL LAW IV: SPEECH AND RELIGION. This course covers various aspects of the first amendment, with particular emphasis on freedom of expression and the problems of church and state. It is recommended that students first take Constitutional Law I. Students who have completed Constitutional Law II are ineligible to enroll in this course. The student’s grade is based on class participation and a final examination. Winter (3) Mr. Samaha.

CONSTITUTION IN CONGRESS. 50102. Students present papers on constitutional controversies that have arisen in Congress or in the Executive Branch. Past examples include President Jackson’s removal of deposits from the National Bank, Nullification, and the annexation of Texas. Topics are assigned and researched during the Autumn Quarter so that oral presentations may begin in January (Winter Quarter). Prerequisite: Constitutional Law I. This seminar may be taken for fulfillment of the Substantial Writing Requirement. The student’s grade is based on class participation and a substantial paper. Autumn (1) Winter (2) Mr. Currie.

CONSTITUTIONAL LAW V: FREEDOM OF RELIGION. 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. Grades are based on class participation and a final exam. Autumn (3) Mr. Hamburger.

COPYRIGHT. 45801. 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 (3) Mr. Lichtman. Spring (3) Mr. Landes.

CORPORATE CRIME AND INVESTIGATIONS. 66702. This seminar will explore the processes by which corporations conduct internal investigation. It will touch on the fiduciary duty owed by the directors and board members to the corporate entity and shareholders. The student’s grade will be based on class participation and a final paper. Enrollment is limited to 18. Spring (3) Mr. Guentert.
CORPORATE FINANCE. 42501. 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. A student’s grade is based on a proctored final examination. 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. Autumn (3) Mr. Weisbach.

CORPORATE GOVERNANCE. The focus of this course is on current topics in US corporate governance. The course 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%. 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. Given the discussion format, class participation will count for 40% 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. Corporations is a prerequisite for this class. International students in the LLM program who have taken corporations in their home country are welcome, but may need to do some additional reading (provided as an appendix to the course packet) to fully familiarize themselves with American corporate law. Limit 40 students.

Spring (3) Ms. Bernstein.

CORPORATION LAW. 42301. This course provides an introduction to the law governing the modern limited liability corporation. It focuses on both large and small firms and pays particular attention to mergers and acquisitions as well as the allocation of control rights among managers, boards of directors, and investors. The student’s grade will be based on a proctored final examination. Autumn (3) Mr. Henderson.

CORPORATION LAW. This course examines the operation of the large publicly traded corporation. It begins by identifying the core problems that corporate law must solve, and explores and evaluates the solutions it puts forth. Readings include cases, statutes, academic articles, articles from the popular business press, and the publications of advocacy and interest groups of various types. This section does not cover agency, partnership, or LLCs. Winter (3) Ms. Bernstein.

CRIMINAL AND JUVENILE JUSTICE PROJECT. 67213. 67223. 67233. 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 collabora-
tively, 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 Professional Responsibility. Third-year students are required to complete, prior to their third year, Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. The credit awarded to this seminar is governed by the new rules for credit for clinical work: academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in these Announcements and by the approval of the clinical staff. Enrollment in the Project is limited and preference will be given to students who have taken the Intensive Trial Practice Workshop and Pretrial Advocacy. Autumn (var) Winter (var) Spring (var) Ms. Conyers and Mr. R. Stone.

CRIMINAL INVESTIGATION: INTERROGATION METHODS AND UNDERCOVER OPERATIONS. The seminar focuses on the use of interrogation and undercover operations in conventional criminal and anti-terrorism investigations. Approximately one-third of our time will be spent on conventional techniques of interrogation, Miranda, and the problem of false confessions; one-third on issues regarding torture; and one-third on undercover operations and the entrapment defense. Readings will be interdisciplinary; interrogation assignments emphasize psychology. The student’s grade is based on participation and a series of short papers and reports. Autumn (3) Mr. McAdams.

CRIMINAL JUSTICE AND CYBER LAW. 68302. This seminar addresses the law of cyberspace with heavy emphasis on criminal law and criminal procedure as it relates to computers and the Internet. Procedural aspects focus on understanding and integrating the different laws and the Fourth Amendment as they relate to gathering information for litigation. Substantive law aspects will focus on cyberstalking, child pornography, defamation, and privacy. The seminar requires one major paper and an Internet ego-surfing assignment. Enrollment is limited to 20. This seminar may be taken for fulfillment of the Substantial Writing Requirement. Spring (3) Ms. Abraham.

CRIMINAL JUSTICE REFORM. 67313. 67323. 67333. The Criminal Justice Reform clinical program is taught by the attorneys of the MacArthur Justice Center. Working jointly with and under the supervision of the MacArthur Justice Center attorneys, students will participate in litigation and other advocacy relating to criminal justice issues. The work of the Center varies as its docket of cases changes and evolves. In the past, the Center has litigated cases relating to prison reform, parole practices and the adequacy of funding for indigent public defense. The Center has also handled individual civil rights cases and several matters relating to the distribution of handguns. In appropriate cases, the Center has also engaged in direct representation of criminal defendants at the trial, appellate, and post-conviction levels. Students working at the Center will participate in complex litigation projects as junior counsel with the MacArthur attorneys. Students’ work will vary depending upon their level of commitment and energy and the demands of the particular litigation. Typically, students research and draft pleadings and legal memoranda, including briefs to trial and appellate courts; assist with and/or conduct formal and informal discovery; and assist in court presentation of evidence and argument. This course aims to provide students an opportunity to apply the principles they have learned in the classroom in a concrete procedural context.
where they and experienced attorneys attempt to use the law to achieve a goal. It is hoped that students in the course will face and address issues of professional responsibility in a real life context; that they will reflect on the connection between their practice and their personal values; and that they will begin to learn the process of becoming an effective colleague and to grow toward independence as an attorney. Prior to the beginning of the third year, students must complete Pre-trial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. Academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff. Autumn (var) Winter (var) Spring (var) Mr. Bowman and Mr. Margulies.

CRIMINAL PROCEDURE I: THE INVESTIGATIVE PROCESS. 47201. 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. Autumn (3) Mr. McAdams. Winter (3) Mr. Alschuler.

CRIMINAL PROCEDURE II: THE ADJUDICATIVE PROCESS 47301. This course examines what happens in criminal cases after police investigation has been concluded. It considers such topics as bail and preventative detention, the right to counsel, the prosecutor’s decision to charge, grand jury screening, the right to a speedy trial, pretrial discovery, plea bargaining, and the right to jury trial. Students need not have taken Criminal Procedure I to enroll in this course. The student’s grade is based on a proctored final examination. Autumn (3) Mr. Alschuler.

CRIMINAL PROCEDURE III: FURTHER ISSUES. 49701. This course examines prejudicial pretrial publicity, public access to criminal trials, joinder and severance, double jeopardy, the right to appeal, harmless error, federal habeas corpus, electronic surveillance, and entrapment. This course is limited to students who have taken Criminal Procedure I or Criminal Procedure II. The student’s grade is based on a proctored final examination. Spring (3) Mr. Alschuler.

CRISIS IN AMERICAN ISLAMIC RELATIONS. This seminar will explore the legal and political crises stemming from America’s struggle to cope with growing turbulence in the Islamic world and with the new prominence of Muslims living in Western societies. Class discussions will focus on the debates surrounding the doctrine of preemptive war, the treatment and trial of wartime detainees, the regulation of weapons of mass destruction, and the rights and obligations of occupying powers. We will also consider whether conflicts with the Islamic world are influencing domestic controversies concerning the treatment of religious minorities and immigrants, the incorporation of international norms into federal and state law, and the judiciary’s role in interpreting and applying international law. Student grades will be based on a series of brief, critical essays that will also guide our discussions in the classroom. Winter (3) Mr. Bianchi.

CURRENT CONTROVERSIES IN CORPORATION AND SECURITIES LAW. 52202. The seminar deals with the most important developments in U.S. (and to some extent foreign) corporate and securities practice during the preceding six months. The legal, political, and economic implications of these developments are analyzed from the
points of view of lawyers giving advice to a variety of clients. Each student submits one paper and gives an oral presentation and analysis of another student’s paper. This seminar may be taken for fulfillment of the Substantial Writing Requirement. Winter (3) Mr. Shepro.

DECISION MAKING: PRINCIPLES AND FOUNDATIONS. 75101 (=PHIL) Individuals, particularly those in leadership positions, are often called upon to make decisions on behalf of others. Such decisions are made in both the public and private spheres and can have enormous influence both on individual lives and on public policy. Lawyers are often called on either to make important decisions themselves or to give counsel to people who make them. The way in which individuals are judged often turns on a handful of decisions they make over the course of their lives, and the way they make these decisions has been the focus of thinkers from Thucydides and Aristotle to Bentham and Kant. It has also been a recurring theme in literature and much of modern economics. The course offers a rigorous study of how philosophers and others have examined these questions and the tools they have used, including those from behavioral economics and game theory. Included will be discussion of moral dilemmas and of some of the more common pathologies of decision-making: akrasia, self-deception, blind obedience to authority. The grade is based on class participation and the choice of a final examination or a major paper. (Not offered 2005-2006).

DIVERSITY AND COMMUNITY STANDARDS. 61002. This seminar pursues, over a wide variety of subject areas, what might be called the molecular question of the relationship of microcosm to macrocosm. This is the question of whether and when the law requires that each discrete unit proportionally resembles the whole. Just as every molecule of water contains the same 2/1 proportion of hydrogen and oxygen as the sea, so courts have sometimes pushed each job site, school, community, etc., to contain its proportionate share of blacks, women, the poor, even opportunities for nude dancing. At other times the law has permitted or encouraged concentration rather than dispersion. The seminar explores the implications for diversity and for various minorities of legal intervention either to prohibit or permit such concentration. It also inquires into when, if ever, it makes sense for the scope of federal constitutional rights to vary depending on the community standards of the place in which they are exercised. The basic courses in constitutional law are useful preparation for this seminar. The student’s grade is based on class participation and a substantial paper. Spring (3) Ms. Case.

DIVORCE PRACTICE. 93202. This seminar provides an exposure to the dynamic process of representing clients in a dissolution of marriage case. Completion of Family Law is recommended. The seminar will familiarize you with the complexities that arise when a family is divided and wife and husband are dissolving their marriage. Topics are covered in the sequence of an evolving case from the perspective of a practicing lawyer and include initial client interviews and retention; determination of jurisdiction; interstate and international parental kidnapping; domestic violence; temporary and permanent child custody and visitation; temporary and permanent maintenance for spouse and support for children; awards of attorneys’ fees and costs; exploration of property rights and factors for determining a division; the valuation process and problems in dividing certain types of property; pre- and post-marital agreements; negotiating and drafting marital settlement agreements; pretrial discovery; preparation for trial; common evidentiary issues; federal tax aspects of marital dissolution; and effects of bank-
ruptcy. Fifty percent of the student’s grade is based on class participation, and fifty percent is based on the drafting of court pleadings and legal memoranda. Autumn (3) Mr. Schiller.

ECONOMIC ANALYSIS OF THE LAW. 73201. 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 (3) Mr. Landes. Spring (3) Mr. Miles.

ELECTRONIC COMMERCE LAW. 61802. 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. Topics not covered in the seminar will be suitable for papers. Enrollment is capped at 20. Students may either take the seminar for writing credit, requiring a substantial paper, or may write shorter papers and make presentations over the course of the quarter. Winter (3) Ms. Nagorsky.

EMPLOYEE BENEFITS. 55502. This seminar emphasizes the role of, and issues relating to, employee benefits and executive compensation, in various types of transactions, particularly plan investments and corporate acquisitions. This seminar provides an overview of the main types of pension plans as well as other types of employee benefit plans and executive compensation structures; the principles of taxation governing deferred compensation arrangements; the Internal Revenue Code requirements applic-
able to qualified pension plans and the fiduciary; and conflict of interest requirements of the Employee Retirement Income Security Act of 1974 (ERISA). The federal insurance scheme for the defined benefit plan administrated by the Pension Benefit Guaranty Corporation is also examined. The materials include finance and accounting literature as well as statutory and case material. There is some treatment of international benefit issues. The student’s grade is based on a final examination. Spring (2) Mr. Scogland.

EMPLOYMENT AND LABOR LAW. This course examines the legal framework governing the relationship between employers and workers. It explores common law principles; questions of occupational safety and health; employment discrimination of various sorts; and private sector unionization and collective bargaining. There is discussion of the National Labor Relations Act, including employees’ rights to organize, employees’ selection of unions as collective bargaining representatives, collective bargaining and regulation of the bargaining process, use of economic weapons such as strikes and boycotts, and the enforcement of collective bargaining agreements. A recurrent question is the choice between various “models” of employment relationships: freedom of contract; information and incentives; unionization; and direct regulation. The student’s grade is based on a final examination. Spring (3) Mr. Sunstein.

EMPLOYMENT DISCRIMINATION PROJECT. 67113. 67123. 67133. Randall D. Schmidt and his students operate the Clinic’s Employment Discrimination Project. The Project focuses primarily on pre-trial litigation. In individual cases, the Project represents clients in cases before the Illinois Department of Human Rights ("Department") and the Illinois Human Rights Commission ("Commission") and seeks to obtain relief for clients from race, sex, national origin, and handicap discrimination in the workplace. Additionally, in its individual cases and law reform/impact cases, the Project seeks to improve the procedures and remedies available to victims of employment discrimination so that complainants have a fair opportunity to present their claims in a reasonably expeditious way. To accomplish this goal, the Project, in addition to litigation, is also active in the legislative arena and participates with other civil rights groups in efforts to amend and improve the Illinois Human Rights Act. Second-year students in the Project can expect to handle several cases individually and “second chair” other cases along with third-year students. Second-year students will autonomously handle cases that the Department is investigating. In these cases, students interview clients and witnesses, assist in the preparation of written briefs and memoranda explaining why the client was the victim of discrimination, and represent clients at informal hearings before the Department. Second- and third-year students will jointly handle cases in the Commission and at various pre-trial stages. They will be involved in discovery (drafting requests, responding to the employers’ 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
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case goes to trial, the third-year student will be expected to be the lead attorney on the case. The Project also handles, or is otherwise involved in, several appeals each year. Both second- and third-year students work on these appeals researching and drafting appellate briefs. If possible, third-year students present the oral arguments in the appeals. It is suggested, but not required, that all students in the Employment Discrimination Project take the Employment Discrimination course. Third-year students participating in the Employment Discrimination Project are required to take Evidence. Third-year Students are strongly encouraged to take, prior to their third year, Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. Enrollment in the Employment Discrimination Project is limited and preference will be given to students who take Pretrial Advocacy and the Intensive Trial Practice Workshop. The student’s grade is based on class participation. The credit awarded to this seminar is governed by the new rules for credit for clinical work: Academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff. Autumn (var) Winter (var) Spring (var) Mr. Schmidt.

ENTERTAINMENT LAW. 78301. This seminar explores legal issues connected with the development, production, and exploitation of entertainment product, focusing predominantly on filmed entertainment, to some extent on musical compositions and recordings, and only incidentally on other forms of entertainment. Topics include life story rights and celebrity publicity rights; contract formation and duration; artistic credits; collective bargaining agreements; ethics and regulation of talent representatives such as agents, lawyers and managers; profit participations; censorship and self-regulation of sexual and violent content; and selected copyright issues. Copyright is not a prerequisite, and this class should not be considered as a replacement for the copyright course. The student’s grade is based on a final examination. Spring (2) Mr. Krone.

ENTREPRENEURSHIP AND THE LAW. 61902. This seminar introduces students to entrepreneurship in both theory and legal practice. The seminar focuses specifically on micro- and entry-level enterprises, but generally applies to larger businesses as well. The initial part of the course explores entrepreneurship from a multidisciplinary perspective and reviews the constitutional and regulatory context for entrepreneurship in the U.S. The seminar also surveys the most important substantive legal areas that govern and affect entrepreneurship. Topics covered include choice of entity, licensing, commercial real-estate and zoning, intellectual property, employment, and business planning. Throughout the course, students will have the opportunity to practice the skills and techniques required to represent entrepreneurs. Students will analyze strategies for interviewing and negotiating, and they will draft or review business documents such as limited liability company operating agreements, leases, or non-competition agreements. This seminar is a prerequisite for participation in the Institute for Justice Clinic on Entrepreneurship by 2Ls and a co-requisite for participation by 3Ls. Students who are not participating in the Institute for Justice Clinic on Entrepreneurship are welcome. Students’ grades will be based on active participation, practical exercises, short papers, or other writing assignments. Autumn (3) Ms. Milnikel.

ENVIRONMENTAL LAW. 46001. This course provides an introduction to the role of legal institutions in resolving environmental resource conflicts and dealing with the health and ecological risks generated by industrialization. The resolution of environ-
mental problems through private litigation, federal regulation, economic incentive systems, and judicial review of administrative decisions is examined. A student's grade will be based on a final examination. A student electing to write an 8-10 page paper in addition to taking the exam may receive three credits and will be graded on both the paper and the exam. Winter (2) Mr. Sunstein.

EUROPEAN LEGAL HISTORY. 91902. This seminar aims to give students an appreciation of the basic themes and the most important events in European (as opposed to English) legal history. It begins with the Roman law formulated under the Emperor Justinian and moves forward to the 19th century. Among the subjects covered are Germanic law, the rise of legal science beginning in the twelfth century, the nature of the ius commune, legal humanism, the Reception of Roman law, the natural law school, and the movement towards codification of the law. Students are encouraged to conduct basic research on their own and to share it with the class, and they are permitted to write a paper to satisfy the seminar requirement, but a final examination will also be offered as an option. Spring (3) Mr. Helmholz.

EUROPEAN UNION LAW I: CONSTITUTIONAL AND INSTITUTIONAL FRAMEWORK. This seminar will cover the basic constitutional structure of the European Union. We will first study the framework of the EU to understand how the various institutions interact. Next we will examine how the EU’s legal system works within the community of Europe, with particular emphasis on the issues of sovereignty and supremacy. What legislative powers does the EU have? What are the Member States’ obligations to the EU? Do Member States have recourse against the EU and each other? Lastly, we will consider the global role of the EU, including its relations with the ICJ, WTO and NAFTA. The seminar will end with a proctored final examination. Winter (2) Ms. Duquette.

EUROPEAN UNION LAW II: CURRENT LEGAL AND POLITICAL PROBLEMS. In this seminar, we will discuss current legal and political problems of the European Union. We will study the role international law plays in the EU’s legal system, the evolution of its human rights law, and the impact of the EU’s common foreign and security policy. As the EU enlarges, it faces new political and legal challenges, which provide opportunity for discussion and forward-looking analysis. We will examine the perceived need to change the constitutional structure of the EU and consider the political impact a new constitution might have on the Member States. The student’s grade will be based on a major research paper and class participation. This seminar may be taken to fulfill one of the substantial writing requirements if the major paper is certified by the professor as having met the criteria. European Union Law I is a prerequisite for this seminar. Spring (3) Ms. Duquette.

EVIDENCE. 41601. 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. Autumn (3) Mr. Schauer. Spring (3) Mr. G. Stone.

FAMILY LAW. This course focuses on the law surrounding intimate relationships between adults. In particular, we will focus on the institution of marriage and its changing scope and social meaning, the financial consequences of ending these relationships, and the division between parents of the care and support of children. Spring (3) Ms. Buss.
FEDERAL CRIMINAL LAW. This course examines the substance and structure of federal criminal law. It focuses on four topics: (1) federal jurisdiction over crime; (2) crimes that enlarge the scope of federal criminal law such as the Hobbs Act and mail fraud; (3) crimes that target organizations such as RICO; and (4) other federal offenses, such as bribery of public officials and money laundering. If time permits, an important aspect of sanctions in the federal system, asset forfeiture, will be discussed. The student’s grade will be based on a take-home examination. Autumn (3) Mr. Miles.

FEDERAL JURISDICTION. 41101. The role of the federal courts in the federal system. Topics will include federal question and admiralty jurisdiction; litigation against federal and state governments and their officials; abstention and related doctrines; direct and collateral review of state-court decisions; standing and other justiciability doctrines; and congressional control of the jurisdiction of the federal courts. The student’s grade is based on class participation and a proctored final examination. Autumn (3) Mr. Konotorovich. Winter (3) Mr. Currie.

FEDERAL REGULATION OF SECURITIES. 42401. This course covers the issuance and trading of securities. The first half of the course looks at the issuance process in some detail, paying special attention to the complex rules issued by the Securities and Exchange Commission. The second part of the course looks at trading, including tender offers, private actions, and damages. The economics of finance and capital markets is employed to assist the analysis. Corporation Law is a prerequisite, although it may be taken concurrently. The student’s grade is based on class participation and a proctored final examination. Winter (3) Mr. Henderson.

FEDERALISM AND GLOBALIZATION: INSURANCE REGULATION OF MODERN FINANCIAL SERVICES. 92002. This seminar, taught by the former Illinois insurance commissioner, will study the state of insurance regulation today, will be organized around the question of whether Congress should create a federal insurance regulatory scheme, and will involve theoretical and practical discussions of federalism, politics, and markets. Although insurance is interstate commerce, the McCarran-Ferguson Act of 1945 delegates its regulation to the states, making it the only major industry without federal administrative oversight. With the passage of the Gramm-Leach-Bliley (Financial Services Modernization) Act of 1999 and the formation of the House Financial Services Committee, Congress is taking an integrated approach to the financial services marketplace and evaluating whether state regulation of insurance is consistent with the regulatory goals of market efficiency and consumer protection. Readings will include statutes, legislative history, case law, and expository writing on the subject. Grades will be based on the option of a weekly paper or a final paper. (The substantial writing requirement may be satisfied.) Attendance is required and particularly helpful; participation may be a factor in the final grade. Winter (3) Mr. Shapo.

FEMINIST JURISPRUDENCE. This course considers ways in which law and legal theory may affect the realization of the equality of the sexes and the rights of women. The readings include a broad range of scholarly writings. (Not offered 2005-2006).

FIDUCIARY DUTIES. 78502. This course examines the fiduciary duties that corporate directors owe to stockholders. The emphasis will be on M&A and other strategic transactions, where directors’ failure to discharge their duties can result in injunctive relief
preventing the consummation of a transaction as well as in personal liability for the directors. In this context, we will discuss matters such as the possible need for and manner of conducting an auction, stockholder rights plan (poison pills), and other defensive measures; no shop clauses and other deal protection provisions; and fiduciary outs. We will also consider special issues that arise in transactions involving controlling stockholders and complex capital structures, such as tracking stock. We will pay special attention to the role of counsel in understanding the applicable duties and guiding the board in discharging them. The introductory course on corporation law is a prerequisite. The student’s grade is based on a final examination. Winter (2) Mr. Osborne.

FINANCIAL ACCOUNTING FOR LAWYERS. This course provides an introduction to the analysis and communication of economic events through the accounting process. Students learn skills necessary to become informed users of financial statements. The majority of the course focuses on the functions of financial reporting, the elements of the financial reports, procedures, conventions, and terminology. The primary focus of this course will be on the main elements of a company’s annual report: Balance Sheet, Income Statement, Statement of Cash Flow, Statement of Shareholder’s Equity, and the related footnotes to these statements. Students will also learn basic financial statement analysis techniques, with an emphasis on determining the “quality” of earnings. Basic principles of valuation will be covered, including the time value of money, the discounted dividends and residual income models, and ratio analysis. Time permitting, the course will conclude with an investigation of the application of accounting fundamentals in the legal setting as well as the legal responsibilities of the accountants, lawyers, audit committees, and the Board of Directors. The student’s grade is based on class participation, homework assignments, and a final examination. Spring (2) Ms. Fitzgerald.

FIRST AMENDMENT AND THE MEDIA. This seminar addresses the interplay of communication technology and First Amendment law by analyzing two established doctrinal paradigms and one that is currently emerging—press, broadcast, and Internet. Press and broadcast have received disparate treatments under the First Amendment: protection of the speaker (press) versus protection of the public’s access to appropriate speech (broadcast). The courts’ First Amendment approach to the Internet remains unsettled between a traditional press regime and a more dystopian view that tolerates, if not expects, some government regulation. The course will start with a thorough examination of the First Amendment protections of the press. We will then study the origins and evolution of the rules for broadcast, examine the legal effects of the rise of cable television, draw comparisons with the current unfolding of Internet doctrine, and contrast these bodies of law with the press regime. Questions to be discussed include: at what level of specificity should First Amendment law be adapted to the structural peculiarities of different media? What role does the courts’ vision of a medium’s value or dignity play in the constitutional treatment the medium receives? How do, and how should, the courts react when a technological rationale on which a First Amendment rule is founded becomes obsolete? Should we welcome different constitutional regimes as doctrinal experiments that may yield productive innovations in First Amendment jurisprudence? What is the proper role of government in fostering public debate and diversity of viewpoints through media regulation? A class in constitutional law (taken previously or concurrently) is a prerequisite for the seminar. This seminar may be taken for fulfillment of the Substantial Writing Requirement. The student’s grade is based on
a substantial paper or several shorter thought papers, and class participation. Enrollment is limited to fourteen students. Autumn (3) Mr. Widmaier.

FOREIGN RELATIONS LAW. 97801. This course examines the law governing the conduct of American foreign relations. The emphasis will be on the distribution of the foreign affairs power between the executive, legislative, and judicial branches. Special attention will be given to the war and treaty powers. Discussion will focus on the wars in Iraq, Afghanistan, and Kosovo, and on recent treaty questions such as termination of the Anti-Ballistic Missile treaty, American entry into the World Trade Organization by statute, and the scope of human rights agreements. Spring (3) Mr. E. Posner.

FREE SPEECH. This seminar explores speech as a social practice and a constitutional norm. Understanding the social practice helps identify what is now valuable and harmful about communication. But a constitutional law of free speech need not track those understandings; the constitutional question involves practical issues of priority and institutional structure. Readings for the seminar will emphasize contemporary efforts to confront these matters. Grades will be based on a final paper and class participation. This seminar may be taken to satisfy the law school’s Substantial Writing Requirement. Constitutional Law I: Governmental Structure is a prerequisite for the seminar. Either Constitutional Law II: Freedom of Speech or Constitutional Law IV: Speech & Religion is helpful but neither is required. Enrollment is limited to 20 students. Spring (3) Mr. Samaha.

FUNDAMENTALS OF COMMERCIAL REAL ESTATE TRANSACTIONS. 44001. This course examines the process of structuring, negotiating, and documenting commercial real estate transactions, focusing primarily upon the acquisition, financing, and sale of income properties. Students specifically address the contract of purchase and sale, due diligence, negotiating problems, choice of entity and tax considerations, condition of title and title insurance, survey, warranties, closing considerations, and basic financing structures. The student’s grade is based on a final examination. Regular class attendance is essential to the mastery of the topics addressed in this course. This course is limited to 25 Law School students only. Winter (3) Mr. Gilmartin and Mr. Rosenbloom.

GAME THEORY AND THE LAW. This seminar examines the principles of game theory and their use to analyze legal problems. Applications are drawn from torts, contracts, bankruptcy, antitrust, and civil procedure. This seminar may be taken for fulfillment of the Substantial Writing Requirement. Enrollment is limited to 20. (Not offered 2005-2006).

HEALTH CARE RESOURCES ALLOCATION. 71702. This seminar will search for a solution to the problem of the allocation of scarce health care resources. Drawing from relevant case law and statutes in addition to literature from the fields of health law, policy, and economics as well as medicine and medical ethics, this course will analyze various decision-makers (patients, insurers, government, and physicians) for their suitability to make health care rationing decisions. Specific areas of law that will be addressed as they relate to allocation decisions include medical necessity law, the Medicare fraud and abuse statutes, disability law, patient autonomy law in the context of end-of-life medical care, medical malpractice, health maintenance organization liability, and the
corporate practice of medicine doctrine. Particular attention will be given to contractual solutions to the rationing dilemma and their own barriers to implementation. Spring (3) Mr. Abbo.

HEALTH LAW. This course surveys the law and policy applicable to health care financing and delivery in the U.S. Topics include industry structure, malpractice liability, health insurance regulation, Medicare, Medicaid, taxation of healthcare spending, antitrust regulation, the drug approval process, pharmaceutical product liability, and protection of patient information. A student’s grade will be based on a major paper, which may be used to fulfill a Substantial Writing requirement. Spring (3) Mr. Malani.

HEALTH LAW AND POLICY. 78801 (=PPHA 37301). This course explores the policies that underlie regulation of the provision of health care in the United States. We will begin with an examination of the principal government programs for financing the delivery of health care in America - Medicare and Medicaid. This first part of the course will focus on how these programs seek to resolve the tension between controlling costs, promoting quality, and assuring access. Focus will then move to a consideration of policy issues relating to managed care organizations, including the functioning of these organizations and the impact of ERISA on their actions. Next, we will study issues relating to the behavior of physicians, hospitals, and other health care institutions. Included will be a focus on the impact of the antitrust, labor, and tax laws on these entities. The student may choose to take a proctored final examination or to submit a major paper. The grade will be based on the examination or paper, as well as class participation. Winter (3) Mr. Bierig.

HIGHER EDUCATION AND THE LAW. 52102. 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. This seminar may be taken for fulfillment of the Substantial Writing Requirement. The student’s grade is based on class participation and a substantial paper. Winter (3) Mr. Sussman.

HISTORICAL INTRODUCTION TO JEWISH LAW THROUGH THE DEVELOPMENT OF NEGOTIABLE INSTRUMENTS. This seminar will focus on central landmarks in the history of Jewish law, which played a central role in Jewish society. Over thousands of years significant changes took place in the way of life of the Jewish people, caused in part by changes in human civilization in general and in part as a result of transformations unique to Jewish society. All of these changes raised serious challenges to Jewish law and made it necessary for it to make certain adaptations in its contents. A typical example is that of the transformation in Jewish law of the standard deed into a negotiable instrument. The fundamentals of this legal institution were laid down in the course of the period of the Mishnah and the Talmud (0-500) when most Jewish society was agricultural. During the early Islamic period (650-1050), the Arab bill of exchange made its appearance among Jews, who at that time became involved in commercial and
financial enterprises. The bill of exchange presented a real challenge to Jewish law. However, clear elements of negotiability appear in Jewish law for the first time only toward the end of the 13th century, in the Kingdom of Catalonia, probably in relation with the surge in the Kingdom’s maritime commerce at that time. The Jewish negotiable instrument reached the height of its perfection, making it resemble the modern instrument recognized in Anglo-American law, at the Polish Kingdom (1500-1800), as part of the comprehensive commercial activities of the Jews there. Students will be required to answer short preparatory questions before each class; to make short presentations; and to actively participate in class discussions. Autumn (3) Mr. Westreich.

HISTORY OF AMERICAN LAW: 1620-1870. 77501. This course explores the character and role of law in America. A survey of American legal history from the European settlements through the Civil War. Topics include: government on the early frontier; the regulation of morals; the theory and law of contract; religious diversity; commerce and federalism; private associations; pleading and the merger of law and equity; codification; slavery; struggles for equality; interpretation of the Bill of Rights. The student’s grade is based on a take home examination (80%) and class participation (20%). Winter (3) Mr. Hamburger.

HUMAN RIGHTS III: CURRENT ISSUES IN HUMAN RIGHTS. 78201 (=INTREL 579, HIST 295/395, PATH 465, POLSCI 295/395). This course is designed for both law students and medical students. The first part focuses on the dramatic changes in the creation and enforcement of international human rights law that have taken place since World War II. Notwithstanding serious challenges from a variety of sources, no government in the world publicly dissents from the acceptance of support for human rights. Students examine the existing international human rights regime and explore the impact of the UN charter, the Universal Declaration, and various multilateral and regional human rights treaties and regimes on the behavior of nations today. Using cases from U.S. and international courts, the course will then focus on medical and ethical issues in human rights. Topics includes political repression (including psychiatric repression and the history of the Gulag); medical research, informed consent, and human rights; the role of physicians in practicing and documenting torture; persecution and asylum; and questions of eugenics. The course emphasizes how the ethical traditions of both law and medicine can be used to promote human rights. Guest lecturers and a film series supplement the curriculum. Students are expected to make short presentations and to submit a short mid-term paper (5 pages) and a final paper (15 pages). This course may be taken for fulfillment of the Substantial Writing Requirement with pre-approval of the instructor. The student’s grade is based on a substantial paper (75%) and class participation (25%). Spring (3) Ms. Gzesh.

HUMAN RIGHTS: ALIEN AND CITIZEN. The basic notion of international human rights is that rights are inherent in the identity of human beings, regardless of their citizenship, nationality, or immigration status. This course will address how international human rights doctrines, conventions, and mechanisms can be used to understand the situation of the “alien” (or foreigner) who has left his or her country of origin to work, seek safe haven, or simply reside in another country. How native or resident populations and governments respond to new arrivals has varied tremendously in the past and present. In some situations, humanitarian impulses or political interests have dictated a
warm welcome and full acceptance into the national community. In other cases, alien populations have become targets of suspicion and repression. In some extreme cases, states have “denationalized” resident populations who previously enjoyed national citizenship. We will use an interdisciplinary approach to address such questions as (1) Why do human beings migrate? What might human rights as a measuring instrument tell us about conditions that promote refugee flows and other forms of forced migration? (2) What is the meaning of citizenship? How is it acquired or lost? What rights may societies and nation-states grant only to citizens, but withhold from others? (3) Are human rights truly universal? Are rights necessarily dependent on citizenship? (4) How do differences in rights between citizens and aliens become more important during national security crises? (5) What are the principal categories used by nation states to classify foreign visitors and residents? How do these categorizations affect the rights of foreigners? (6) How do international human rights doctrines limit actions by states with respect to certain categories of foreigners such as refugees, asylum applicants, and migratory workers? (7) Given the non-voting status of foreign populations in almost all countries, how are the rights of aliens represented in societies of settlement? How do home country governments regard their expatriate communities. The student’s grade is based on attendance, participation, and a paper. Substantial Writing credit may be given with pre-approval of the instructor. Winter (3) Ms. Gzesh.

IMMIGRATION LAW AND THE RIGHTS OF NON-CITIZENS. This course provides a basic introduction to U.S. immigration law and policy, with a particular focus on how immigration law relates to broader concerns in the structure of our constitutional system. Topics include the sources and scope of the federal government’s constitutional authority to regulate immigration; the grounds for admission and deportation from the United States; the status and conditions of undocumented immigrants; and the relationship between immigration and national security. The student’s grade will be based on a take-home final examination and class participation. Winter (3) Mr. Cox.

INFORMATION TECHNOLOGY LAW: COMPLEX INDUSTRY TRANSACTIONS. 91502. Information Technology is the engine of growth for the emerging economy. From B2B exchanges, to wireless/mobile computing, to e-marketplace web design and development, IT is changing the nature of business today. Accordingly, traditional legal concepts are under pressure to adapt to ever-evolving business models. This seminar provides an overview of complex IT transactions and the commercial and legal principles governing these transactions. Study materials will be drawn from actual contracts and other relevant materials, and emphasis will be placed on developing an understanding of the interaction of commercial needs and legal requirements, including those found in corporate, contracts, intellectual property, and other legal practice areas. Participants will develop an understanding of specific contractual, risk, and warranty clauses and practice pitfalls. From time-to-time, senior industry executives will join the seminar to provide “real world” experience. The student must have taken (or be taking concurrently) Corporation Law or receive instructor approval. The student’s grade is based on periodic short written exercises (40 percent), take-home examination (40 percent), and class participation, including participation in mock negotiations (20 percent). Mr. Zarfes is an Executive Vice President and General Counsel of Cap Gemini Ernst & Young. Autumn (3) Mr. Zarfes.
INSTITUTE FOR JUSTICE CLINIC ON ENTREPRENEURSHIP. 67613. 67623. 67633.
The Institute for Justice Clinic on Entrepreneurship, or IJ Clinic, provides entrepreneurs, especially start-up micro-businesses operated by low- to moderate-income individuals, with free legal services that include business formation; license and permit application; contract and lease creation; landlord, supplier, and lender negotiation; basic tax and regulatory compliance; and other legal activities involving business transactions. The IJ Clinic is the Law School’s practical training ground for law students who are interested in transactional work generally and entrepreneurship specifically. Students are involved in all phases of client representation and have the opportunity to interview and counsel clients; draft business documents and contracts; negotiate with contractors, investors, or lenders; prepare documents for filing; and occasionally represent clients before administrative bodies. 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. Entrepreneurship & The Law is a prerequisite and Entrepreneurial Advocacy is a co-requisite. Autumn (var) Winter (var) Spring (var) Ms. Milnikel.

INSURANCE LAW AND POLICY. The seminar will first focus on general issues with relevance for many types of insurance, including the interpretation of insurance contracts, regulation of group insurance, public policy limits on insurance coverage, and the state and federal role in insurance regulation. The course will then shift to considering particular types of insurance, including liability insurance, fire and property insurance, life insurance, health insurance, and automobile insurance. A student’s grade will be based on a research paper, an oral presentation of the paper, and class participation. Autumn (3) Abramowicz.

INTELLECTUAL PROPERTY LAW AND THE REGULATION OF INFORMATION. 95102. In this seminar, we will examine how intellectual property law is evolving in the face of technological innovation. We will study questions such as peer-to-peer networks and piracy; digital rights management; decryption; expansion of copyright protections under the Commerce Clause; contributory infringement and safe harbors; fair use of digital content; and legislative and regulatory proposals. Throughout the seminar, we will pay close attention to free speech issues. No prerequisites, although a class in intellectual property law or First Amendment law will be helpful. This seminar may be taken for fulfillment of the Substantial Writing requirement. The student’s grade is based on a substantial paper or several shorter thought papers, and class participation. Enrollment is limited to sixteen students. Spring (3) Mr. Hiliard, Mr. Widmaier, and Mr. Doellinger.

INTELLECTUAL PROPERTY LITIGATION: ADVANCED ISSUES. 98602. Intellectual Property litigation provides a framework for exploring complex federal civil litigation practice. This course will provide both insights into the practice of the trial lawyer as well as analysis of central intellectual property law concepts. Using case studies, we will examine issues such as the tactical and practical dimensions of preliminary injunction practice; the use of experts to address specialized subject matter, including the use of market research surveys to prove consumer perception; availability of equitable remedies; and persuasive trial presentation of complex facts. Grades will be based on class participation, oral arguments on motions, and written briefs. Trademarks and Unfair Competition is a prerequisite to taking this course, and completion of Evidence is helpful. Winter (3) Mr. Masters.
INTENSIVE TRIAL PRACTICE WORKSHOP. This practicum teaches trial preparation, trial advocacy, and strategy through a variety of teaching techniques, including lectures and demonstrations, but primarily through simulated trial exercises. Topics include opening statements, witness preparation, direct and cross examination, expert witnesses, objections at trial, and closing argument. Practicing lawyers and judges are enlisted to provide students with lectures and critiques from varied perspectives. The practicum concludes with a simulated jury trial presided over by sitting state and federal court judges. 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 Advanced Trial Advocacy (LAW 93802) may not take this course. This practicum is offered for approximately six hours/day the two weeks prior to the beginning of the Autumn Quarter. The student’s grade is based on class participation. Autumn (2) Mr. Bowman, Ms. Conyers, Mr. Futterman, Mr. Heyrman, Ms. Mather, Mr. Margulies, Mr. Schmidt, Mr. R. Stone.

INTERNATIONAL ARBITRATION. 94602. 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 UNICTRAL-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.), the effective presentation of evidence, and the resolution of disputes under the laws of multiple jurisdictions. This seminar may be taken for fulfillment of the Substantial Writing Requirement. The student’s grade is based upon the quality of preparation for and participation in the seminar, as well as the quality of a required research paper. Winter (3) Mr. Rubenstein.

INTERNATIONAL BUSINESS TRANSACTIONS. This course is intended to introduce students to legal issues that arise in the context of transnational business operations, that is, business situations in which more than one legal system is involved. Such issues are increasingly relevant to lawyers everywhere as a consequence of the explosive growth of cross-border transactions and multinational business structures accompanying the “globalization” of economic systems. The course will explore the manner in which a particular domestic legal system (generally the United States, but also others including the European Union) reacts to and attempts to deal with such situations, and will present a broad overview of the sets of legal rules (domestic, foreign, and international) governing transnational business transactions. Students will be introduced to several issues that cut across various types of transnational transactions: the role of
lawyers from different national systems; transnational dispute resolution (before national courts and arbitral tribunals); the place of international law in the United States and other domestic legal systems; the extraterritorial application of domestic legal rules; and the role of international bodies such as the World Trade Organization. The course will then examine various practical problems focused on different types of transnational business transactions and the documents typically used in such transactions: transnational sales, agency and distributorship agreements; licensing of intellectual property; foreign direct investment; mergers and acquisitions; joint ventures; concession agreements; and loan agreements. In analyzing these problems, students will be exposed to the principal kinds of legal rules that apply to each, including antitrust law, securities law and tax law (domestic tax rules and international tax treaties), and will be asked to consider transnational business, tax, and corporate structures. The student’s grade is based on class participation and a final examination. Autumn (3) Mr. Dye.

INTERNATIONAL ENVIRONMENTAL LAW. 92702. 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. This seminar may be taken to fulfill one of the substantial writing requirements if the major paper is certified by the professor as having met the criteria. Autumn (3) Ms. Geraghty.

INTERNATIONAL FINANCE. Today the volume of international financial flows far exceeds the volume of international trade. This mini-course addresses the international aspects of U.S. domestic banking and security markets and contrasts them with offshore and other foreign markets. The focus is on U.S., European, and Japanese regulatory systems and the role of international financial institutions. Among the particular topics are the eurodollar and eurobond markets; foreign exchange markets; futures, options and derivative markets; and an introduction to emerging markets finance. This course is intended to complement, rather than substitute for, courses in U.S. securities and banking regulation. The student’s grade will be based on a take-home exam and class participation. Spring (1) Mr. Dam.

INTERNATIONAL INTELLECTUAL PROPERTY. This course will cover the basics of international intellectual property regulation, surveying the principal legal systems and international treaty arrangements for copyright, patent, and trademark, as well as questions of jurisdiction, territority, and choice of law. A central conundrum in this area of law is that while the laws governing intellectual property have historically been based on territorial sovereignty, the effects of these laws easily spill across borders. This tension between territoriality and global consequences has become more significant as the value of IP increases, the cost of communications fall, and the amount of international trade grows. The current “solution” to this problem is a significant body of international agreements, including the Paris Convention, the Berne Convention, the Patent Coop-
eration Treaty, and, most importantly, the Trade Related Aspects of Intellectual Property (or “TRIPs”) Agreement. Using these and other international materials, this course will introduce students to the techniques of international regulation and investigate the effects and desirability of such regulation. Some coursework in intellectual property is required (Patent Law, Copyright, and/or Trademark). Grades will be based on a final examination and class participation. Spring (3) Mr. Henderson.

INTERNATIONAL LAW, INTERNATIONAL RELATIONS, AND CONTRACTS. This seminar explores international law from the lens of international relations theory and contract law. The seminar will provide students with an introduction to modern international relations theory, including security studies and economic coordination. Our goal in the seminar will be to understand, discuss, and critique international law and organizations from the standpoint of current conceptions of government interaction and contracting. Students do not need a background in either international law or international relations theory. The grade will be based on short analysis papers and class participation. Spring (3) Ms. Brewster.

INTERNATIONAL LITIGATION IN THE U.S. COURTS. 77101. This course will examine the process of dispute resolution between private parties, and between private parties and states, when there is an international element to the case. Insofar as that dispute resolution occurs in courts, the focus will be on the courts of the United States, both federal and state; insofar as the process occurs in arbitral bodies, a more global perspective is inevitable. The course will begin with a consideration of jurisdictional questions, including jurisdiction to prescribe and jurisdiction to adjudicate. We will then move to the choice of forum, with particular attention on arbitration of international disputes. Next we consider the problems attendant to collecting information located outside the forum country for use in litigation, followed by a unit on the enforcement of foreign judgments (both non-U.S. judgments in U.S. courts, and U.S. judgments in foreign courts). Finally, time permitting, we will examine some of the special doctrines governing a more direct collision with the foreign sovereign itself, such as foreign sovereign immunity and the Act of State doctrine. Students will have an option either to take an examination or to write a paper. Winter (3) Judge Wood.

INTERNATIONAL SALES. This seminar focuses on select problems in international sales and dispute resolution. It begins by looking at different sources of international sales law, both public and private, as well as their historical antecedents. It then looks at the rules produced by these varied sources and after exploring how they work, evaluates them in terms of their ability to solve core problems in commercial contracting, comparing them along the way to the Uniform Commercial Code and the US common law of contracts. After looking at sources of substantive law, the seminar shifts its focus to look at different sources of procedural rules for adjudicating disputes, and considers which types of dispute resolution mechanisms are best suited to particular types of disputes or particular types of parties. Both economic and relational aspects of exchange are emphasized. Some case studies of particular industries or types of trade will be included. This seminar requires short weekly papers and does not, absent special arrangements with the instructor, fulfill the substantial writing requirement. (Not offered 2005-2006).
INTERNATIONAL TAXATION. 44601. 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. Winter (3) Ms. Roin.

INTERNATIONAL TRADE, INVESTMENT, AND FINANCE. This seminar will address current issues in the field of international trade, direct foreign investment, and international monetary and financial policy. After a short initial exploration of the post-World War II history of those fields, particularly with respect to the General Agreement on Tariffs and Trade (GATT), the World Trade Organization (WTO), and the International Monetary Fund (IMF) as well as the economics and politics of U.S. policymaking with respect to those fields, the seminar will turn to current issues. For example, one focus will be on current issues in the WTO Doha Development Round. In the latter half of the seminar, the focus will shift to issues involving the IMF and policies toward developing countries (especially involving assistance to countries in financial trouble as well as the central issues of bailouts, moral hazard, and contagion). The student's grade will be based on a major research paper and class participation. This seminar may be taken to fulfill one of the substantial writing requirements if the major paper is certified by the professor as having met the criteria. Winter (3) Mr. Dam.

INTRODUCTORY INCOME TAXATION. 44101. 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 (3) Ms. Roin. Winter (3) Mr. Weisbach.

INVESTMENT MANAGEMENT. The investment management industry involves a broad array of disciplines with which legal and business advisers must have a basic familiarity. The Investment Company Act and the Investment Advisers Act form the core of the federal regulatory structure. This course examines the basic regulatory framework by analyzing the structure, management, marketing and distribution aspects of investment fund products—primarily mutual funds and closed-end funds. This course will also include discussions on the related aspects of other investment products, including publicly offered ETFs and hybrid funds, and issues related to private investment funds such as hedge funds, private equity and venture capital funds. Case decisions, SEC releases and no-action letters, financial and industry writings, and business case studies will be utilized to analyze multi-dimensional aspects of the investment management industry, including portfolio management styles and practices; characteristics of equity, fixed income, absolute return and other alternative asset classes; the role of fund directors, conflicts of interest and corporate governance issues; distribution-related issues, including sales load variations, 12b-1 fees and other distribution financing options, development of cross-distribution channels, fund supermarkets and the impact of the internet on product design and distribution; marketing issues relating to the use and ownership of historical performance information; the use of investment funds as
funding vehicles for retirement plans; the internationalization of the investment management business; and the financial dynamics of the investment management business and mergers and consolidations of mutual fund sponsors. The student’s grade will be based on class participation and a final examination. Winter (2) Mr. Hale.

INVITATION TO TALMUDIC LAW. The objective of this seminar is to familiarize students with the Talmud, which serves as the foundation of Jewish law to this day and which has been the central force in shaping the spiritual and cultural world of the Jewish people for the past two thousand years. The Talmud is characterized by its unique dialectic reasoning. It is also an open-textured text that often provides its interpreters with a great variety of interpretive options. The subjects dealt with by the Talmud, and the normative positions it espouses, are such that modern jurists can take part in Talmudic deliberation, despite the great distance in time that separates them from the original Talmudic text and despite the conspicuous presence of the religious element in Talmudic deliberation. The seminar will introduce the Talmud and its unique traits through direct and unmediated study of the Talmudic text in its English version. We shall focus on the topic of matrimonial property, which is widely discussed in the Talmud. We shall discuss legal doctrines such as implied contracts, rights of third parties, and constructive trusts. We shall also deal with general jurisprudential issues such as ethical v. formalistic reasoning in resolving legal disputes. Students will be required to answer short preparatory questions before each class; to make short presentations; and to participate actively in class discussions. Autumn (3) Mr. Westreich.

IRWIN ASKOW HOUSING INITIATIVE. Students in the Housing Initiative provide legal representation to community-based housing developers, tenant groups, and other parties involved in the production of new or rehabilitated affordable housing stock. Students advise clients on structuring issues; negotiate, draft and review construction and financing contracts; secure zoning and other governmental approvals; assist clients in resolving compliance issues under the applicable state and federal housing programs; and participate in the preparation of evidentiary and closing documents. The Housing Initiative focuses on innovative transactions sponsored by community-based organizations on the south side of Chicago. As part of the Housing Initiative’s developmental phase, students may also work with tenant groups and other community-based organizations to assist in building their capacity to participate in affordable housing transactions. In addition to working on specific transactions, students in the Housing Project meet weekly as a group to discuss the substantive rules and legal skills pertinent to housing transactions and to examine emergent issues arising out of the students’ work. Topics include urban housing policy (including the Chicago Housing Authority’s activities in replacing high-rise public housing with low-rise and scattered site mixed-income housing); financing structures such as the federal low-income housing tax credit program, tax-exempt multifamily housing revenue bonds, and secured debt financing; special considerations in the rehabilitation of historic buildings; and zoning procedures and related real estate topics. Academic credit for the Housing Project varies and is awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical faculty. Autumn (var) Winter (var) Spring (var) Mr. Leslie.
ISLAM AND INTERNATIONAL LAW. How are Islamic jurists and scholars contributing to cross-cultural debates about the development of international law? Do they seek to embrace existing international law, to enrich it with insights from their own civilization, or to ignore it and create an Islamic international law that challenges Western dominance? This seminar explores the diversity of approaches among Islamic scholars on key questions of international law within the broader context of the legal, political, and religious battles that Muslims are waging on several fronts simultaneously in an age marked by the perceived conflict between Islam and the West. Seminar participants will focus on controversies concerning human rights, banking and finance, constitutionalism and democracy, international regimes, and international organizations. Readings will introduce the complex interpretive debates in the Islamic world among radical, traditional, and modernist interpreters of legal authorities and texts. We will also ask how Islamic debates over these issues resemble and differ from the approaches of American and European jurists. Student grades will be based on a series of short critical essays that will also guide group discussions. Autumn (3) Mr. Bianchi.

ISLAMIC LAW IN THE MODERN WORLD. This seminar will provide an overview of Islamic law (the Shari’a), examining its origins, development, and growing influence on both domestic and international legal systems. We will discuss the fundamentals of classical Shari’a jurisprudence, focusing on the sacred sources of law, the expanding role of human interpretation, and the rival schools that created a flexible and pluralistic legal tradition encompassing the entire Islamic world. In addition, we will trace the emergence of a parallel system of explicitly secular law, promoted by indigenous empires and sultanates and eventually codified under European colonialism. Several readings and class discussions will deal with contemporary debates about modernizing the Shari’a and making it a “living law” for Muslims everywhere. We will compare reform initiatives in a variety of policy areas in secular Westernizing nations such as Turkey, Indonesia, Malaysia, and Nigeria, as well as in neo-traditionalist legal systems such as Pakistan, Saudi Arabia, Iran, and Morocco. In conclusion, we will assess the burgeoning interest in drawing on Islamic law and other non-Western legal traditions in order to develop an international law that is more representative of global multiculturalism. Student grades will be based on three brief and critical essays that will also guide our class discussions. Spring (3) Mr. Bianchi.

JAPANESE LAW. This seminar examines selected topics of Japanese law. Because there are many differences (and similarities) between U.S. law and Japanese law, the seminar mainly adopts a comparative law approach and a functional approach. We identify what the differences are and then try to explain causes of the differences mainly from a functional viewpoint. Differences (and similarities) can be caused by many factors, such as underlying social background, interaction between multiple legal rules, subtle difference of evaluation, or maybe just historical coincidence. Understanding these mechanisms will enhance understanding of various aspects of legal systems. The topics that we discuss in this course are two-fold: in the first half, we discuss selected topics on contract, tort, property, and law on commercial transactions. In the second half, we discuss topics on corporate law, which was reformed dramatically in 2005, and the Japanese corporate governance system, which shows several peculiar characteristics, such as the main bank system and the lifetime employment system. Grading is based on class participation (30%), memoranda (30%) that are
assigned each week, and three short papers (40%), which consist of two short papers (5-10 pages) and one final paper (20-30 pages). All the materials of the seminar are provided in English and no knowledge of the Japanese language is required. Most of the materials will be posted on the Chalk site. Winter (3) Mr. Morita.

JUDICIAL DECISION MAKING. This seminar will cover the classic and contemporary literature on judicial decision-making with the goal of better understanding how judges make decisions. While we will be attentive to normative and theoretical accounts of the judicial role, the emphasis will be on empirical work, including the contributions of legal scholars and political scientists. Many of the readings will focus on the United States Supreme Court, but we will be attentive to other courts as well. The student’s grade will be based on participation and several short reaction papers. Spring (3) Mr. Ford.

JUDICIAL REVIEW BEFORE THE FOUNDING. This seminar will read primary sources on judicial review, including sources from medieval Europe, seventeenth-century England, and early state decisions in the 1770s and 1780s. The goal will be to understand what early American judges were doing when they held acts unconstitutional and ultimately to explore different conceptions of law and of judicial office. Spring (3) Mr. Hamburger.

JUVENILE JUSTICE SYSTEM. 60102. This seminar considers how our legal system should respond to crimes committed by minors. In particular, students consider the appropriateness of treating minors differently from adults in preventing, adjudicating, and imposing consequences for criminal behavior. Readings on adolescent development and urban sociology help inform discussions. The student’s grade is based on three or four short papers. Enrollment is limited to 20. (Not offered 2005-2006).

LABOR LAW. 43101. This seminar will examine selected aspects of our basic federal labor law, including jurisdiction, procedures and judicial review of the National Labor Relations Board, the regulation of speech and conduct in union organizational campaigns, the ban on employer-sponsored labor organizations, the duty to bargain in good faith, the enforcement of collective bargaining agreements, the limits on economic pressure tactics, and federal preemption of state-law regulation. An examination will be given at the conclusion of the seminar. Winter (3) Mr. Lopatka.

LAND USE. This course covers the statutory and constitutional framework for land use regulation, with special emphasis on zoning, landmark designation, antigrowth ordinances, coastal and environmental protection and other devices. The problems here will be discussed both as a matter of statutory and constitutional law, and will trace the constitutional evolution of takings doctrine, as applied to land, from the first quarter of the 20th century to the present. Spring (3) Mr. Epstein.

LAW AND ECONOMIC DEVELOPMENT. 98201. Disappointment with growth rates in the developing world has led over the past decade to an emerging consensus that economic development cannot be successfully sustained in third world countries without strong market economy institutions. The catch phrase for this emerging consensus is that economic development depends on the rule of law; the idea is that countries hoping to develop must enforce contracts, protect property rights, and stamp out cor-
ruption in government agencies and the judiciary. This seminar will analyze these basic concepts against the background of the extensive research on this topic by World Bank and private economists, the historical evolution of strong market economy institutions in the developed world, and an analysis of the role of various legal measures in promoting economic development. Special topics will include the role of law in corporate governance and in the creation of sound financial sectors in the developing world. The student's grade will be based on a major research paper and class participation. This seminar may be taken to fulfill one of the substantial writing requirements if the major paper is certified by the professor as having met the criteria. Winter (3) Mr. Dam.

**LAW AND POLITICS: U.S. COURTS AS POLITICAL INSTITUTIONS.** The purpose of this seminar is twofold. First, it introduces students to the political nature of the American legal system. In reviewing social science literature on courts, students focus on the relationship between the courts and other political institutions. The questions asked include the following: Are there interests that courts are particularly prone to support? What effect does congressional or executive action have on court decisions? What impact do court decisions have? Second, by critically assessing approaches to the study of courts, the course seeks to highlight intelligent and sound approaches. Particular concern focuses on assumptions students of courts have made, how evidence is integrated into their studies, and what a good research design looks like. This seminar may be taken for fulfillment of the Substantial Writing Requirement. Winter (3) Mr. Rosenberg.

**LAW AND PRACTICE OF ZONING, LAND USE, AND EMINENT DOMAIN.** This seminar is a multi-disciplinary, multi-partisan discussion of the balance between private property rights and governmental regulation in land development. We primarily address (i) constitutional bases of private rights and public land use planning; (ii) eminent domain, takings and exactions (including impact fees and delays); (iii) current manifestations of local and regional planning and zoning, including City of Chicago Zoning Reform; and (iv) legal procedures and practical strategies for obtaining public financial incentives, land use approvals, and “relief” for real estate development projects, large and small. Prior course work in real property and constitutional law are encouraged. Course materials include cases, academic and trade-group commentaries, press coverage, and narrative and graphic exhibits for specific development projects. The student’s grade is based on attendance, spirited class participation, and, at each student’s election, either a paper or an open-book examination. Students writing a paper of 25 or more pages will earn 3 credit hours. Students taking the exam or writing a shorter paper of approximately 15 pages will earn 2 credit hours. Spring (3) Mr. Geselbracht, Mr. Novak, and Ms. Cassel.

**LAW AND SCIENCE.** This seminar will explore the question: how can the legal profession, and the legal system generally, cope with the legal and regulatory issues thrown up by the extraordinary advances, and rapidly growing complexity, of modern science? These issues include (a list by no means exhaustive): the litigation of tort suits involving subtle causal relations, and, more generally, the problem of “junk science” and of control of scientific expert witnesses; the role of juries in patent-infringement suits; the challenge to privacy and to intellectual property posed by digitization; the collision between civil liberties and efforts to prevent bioterrorism; the legal response to global warming and other profound environmental problems. The teaching of evolution and
“creation science” in public schools; and the control of dangerous technologies. In short, what is the role of law, in its doctrinal, procedural, and institutional aspects, in relation to modern science? To what extent should the legal system seek to control science? Should science be left to scientists? Must lawyers know science? A background in science is not required for enrollment in the seminar. Very short papers will be due each week, but a student who wants substantial writing credit may substitute a long paper for the short papers. Enrollment is limited to 30. Winter (3) Judge R. Posner.

LAW AND TECHNOLOGY: CURRENT ISSUES. 91302. The goal of this seminar is to provide students with a chance to read unpublished work from the nation’s top intellectual property and telecommunications scholars. It is organized simply: each week, students read between one and three unpublished manuscripts written by some of the nation’s leading high-technology legal thinkers. Students then write response papers evaluating the manuscripts. We discuss those response papers, and the original manuscripts, in class. Substantial writing credit is available, but only with the instructor’s specific written permission. Spring (3) Mr. Lichtman.

LAW AND THE MENTAL HEALTH SYSTEM. 47001. The course is designed to help lawyers function effectively when issues of mental disability relate to legal issues. 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. This course may be taken for fulfillment of the Substantial Writing Requirement. Students have a choice of taking a final exam at the end of the quarter or writing a paper on a topic approved by the instructor. Autumn (3) Mr. Heyrman.

LAW AND THE POLITICAL PROCESS. 98402. This course surveys the legal regulation of elections and politics. Topics include the individual’s right to participate in the political process; redistricting and the distribution of electoral power; the role of race in the regulation of politics; the regulation of political parties; and campaign finance reform. The course will pay particular attention to the political theories and empirical assumptions that underlie judicial regulation in these areas. The student’s grade will be based on a take-home final examination and class participation. Autumn (3) Mr. Cox.

LAW, BEHAVIOR, AND REGULATION. 65402. This seminar deals with new and emerging understandings of human behavior—the lessons of those understandings for legal regulation. Topics include environmental regulation, broadcasting, occupational safety and health, damage remedies, and the law of equality. Theoretical materials involve people’s bounded rationality, as they rely on “heuristics” that lead to errors, and are also susceptible to various biases. There is discussion as well of people’s capacity for fairness and their understanding of what fairness specifically involves. A recurrent question will be whether “behavioral law and economics” has advantages over traditional law and economics in thinking about regulation of private conduct. This seminar may be taken for fulfillment of the Substantial Writing Requirement. The student’s grade is based on a substantial paper. (Not offered 2005-2006).
LAW, SCIENCE, AND MEDICINE. 93302. This seminar will address the intersection of law, science, and medicine, focusing on issues related to the “new genetics” and other advances in biotechnology. Topics will include gene therapy, reproductive technologies, human experimentation, and genetic enhancement. Students may choose to write several short papers or one longer, in-depth, three-stage paper, which will satisfy part of the writing requirement. Grades will be based on the papers and class participation. Enrollment is limited to 20 students. Spring (3) Ms. Palmer.

LAWS OF WAR. This seminar will investigate whether and how the laws of war constrain different actors. It will provide a historical overview as well as an exploration of the different purposes of the laws of war. In particular, we will cover Hague law which governs the means and methods of war as well as Geneva Law with particular reference to the protection of civilians and prisoners of war. We will also address issues including the scope of liability during conflict; the differing constraints over international and non-international armed conflict; terrorism and the future of humanitarian law; as well as the environmental regulation of conflict. Students will have the option of turning in several short response papers or one long paper (at least 20 pages). Those students who write a 30-page paper will receive substantial writing credit. Spring (3) Ms. Wexler.

LEGAL AND POLITICAL PHILOSOPHY OF RONALD DWORKEIN. This seminar will be centered primarily on Dworkin’s legal philosophy, as expounded in Taking Rights Seriously and Law’s Empire, focusing on his critique of positivism and on his interpretive theory of law as “integrity.” But considerable attention will also be given to its connection to his political philosophy and to his ideas about liberalism and justice. Winter (3) Mr. Larmore.

LEGAL ASPECTS OF CONTEMPORARY CHINA’S ECONOMIC TRANSITION. This seminar addresses the evolution and features of contemporary legal institutions in China as against the background and as part of China’s economic transition and her integration into the world economy. The interaction between China’s legal development, economic transition towards market economy and world economic integration will be the focus of this seminar. With a brief introduction to China’s social, economic, and political status, discussions in this seminar will cover topics such as the evolution of jurisprudence; features and reform of the judicial system and commercial dispute resolutions; challenge to real property law from the disparity between rural and urban economic development; privatizations and state regulation of the market; corporate law and capital market reform; the dilemma of bankruptcy and employment, and controversies surrounding intellectual property rights and international trade. The legal and economic systems in Hong Kong will be covered briefly. The student’s grade will be based on class participation and reaction papers. Winter (3) Ms. Chen.

LEGAL ELEMENTS OF ACCOUNTING. This mini-course introduces accounting from a mixed law and business perspective. It covers basic concepts and vocabulary of accounting, not so much to instill proficiency with the mechanics of debits and credits as to serve as a foundation from which to understand financial statements. The course then examines accounting from a legal perspective, including consideration of common accounting decisions with potential legal ramifications. It also analyzes throughout the reasons for and roles of financial accounting and auditing, as well as the incentives of
various persons involved in producing, regulating, and consuming financial accounting information. The course will touch on some limitations of, and divergent results possible under, generally accepted accounting principles. Current cases, proposals, and controversies will be discussed. Attendance and participation will be very important. Grades will be based on a take-home final examination and class participation. Students with substantial prior exposure to accounting (such as students with an MBA, joint MBA/JD, and undergraduate finance or accounting majors) must seek instructor permission to take the course and will be graded based on a medium-length term paper. Autumn (1) Mr. Sylla.

LEGAL HISTORY OF EARLY CHINA. 98802. Through study of some of the major legal materials of the pre- and early imperial periods in China (approximately 1045 B.C.E.- 220 C.E.), as well as by introduction to some of the theoretical materials that may be used in analyzing this growing body of early Chinese legal documents, this course seeks to help students revisit their assumptions about legal behavior and the nature and role of law. Throughout the course, students are encouraged to contribute their knowledge about other legal systems (both modern and pre-modern) in our discussions of the ancient Chinese material. In addition to situating the Chinese legal materials in their varying literary, cultural, and historical contexts, thereby highlighting some of their unique features, we will also draw from a wide range of theoretical materials (e.g., comparative anthropology, legal philosophy, social semiotics, etc.), which may be useful in bringing to light universalities of legal systems and behavior. However, discussion of any given text will be directed in large part by the nature and contents of the material itself. The Chinese materials, all readings of which will be in English translation, include commemorative inscriptions cast in bronze sacral vessels, descriptions of legal practices in received texts, actual statutes and case records, philosophical texts, contracts, and more. The medium, discovery, transmission, and “authorship” of these documents will be given due consideration for the effect they may have on our understanding of the contemporary legal and historical contexts from which the texts derive. The grade is based on three short papers (60% total) and class participation (40%). Enrollment is capped at sixteen. Preparatory reading required for the first class - contact instructor. Spring (3) Ms. Skosey.

LEGAL INTERPRETATION. 51602. Many challenges in law come from the difficulty of interpreting words—always incomplete, often old. This seminar explores different methods of resolving interpretive problems: “plain meaning,” its cousin textualism; a search for intent (“original,” presumed, or imputed); functional analysis; and so on. The seminar asks how the competing approaches to decoding texts stand up on different criteria, such as consistency with principles of democratic governance (including the contributions of public choice theory) and the philosophy of language. Constitutional and statutory interpretation receive approximately equal emphasis. Enrollment is limited to 20 students. The student’s grade is based on a series of short papers. Successful completion of this seminar qualifies for the fulfillment of one of the Substantial Writing Requirements. Spring (3) Judge Easterbrook.

LEGAL PROFESSION. 41002. This course, which satisfies the professional responsibility requirement, will consider the law governing lawyers, with particular emphasis on the problems and issues that arise in the representation of corporate and institutional clients by lawyers at large law firms. Among the topics that will be examined are con-
conflicts of interest; new client intake; fee arrangements, timekeeping and billing; handling of lawyer-client disagreements and the rare troublesome client; lawyers’ duties of confidentiality and loyalty; the obligation of lawyers to report professional misconduct; and the obligations of lawyers when their clients act improperly or come under government scrutiny. Students who take this course may not take any of the other course fulfilling the American Bar Association’s mandated professional ethics course requirement. The student’s grade is based on an examination. Winter (2) Holzhauer. Spring (2) Mr. Alberts.

LEGAL WRITING AND ANALYSIS. 79912. 79922. This seminar will focus on legal writing and legal practice in the context of American commercial transactions and is specifically designed for, and limited to, the LL.M. students. The class will introduce basic legal skills with an emphasis on effective legal writing, including the structure and drafting of (a) legal memoranda and 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 and negotiation skills will also be examined in the context of the various documents being studied by the class. At least one session will be devoted to litigation and advocacy issues involving commercial contracts and transactions. The seminar will be taught in its entirety in each of the Autumn and Winter quarters and will be graded on a Pass/Fail basis. Enrollment is limited to 20 students in each quarter. To pass the course, a student must attend class, participate therein, and successfully complete written assignments. Autumn (2) and Winter (2) Mr. Edwards.

LEGISLATION. 44201. An understanding of legislative process and statutory interpretation is increasingly necessary as the influence of statutory law broadens to affect a wide range of legal issues. Solutions to many problems facing today’s lawyer involve either knowledge of how legislation develops in Congress or understanding of how laws will be interpreted by the judicial and executive branches. Students examine the contemporary legislative process, including the procedural rules that govern Congress and state legislatures; the role of interest groups; and the major methodological and doctrinal issues of statutory interpretation by courts and agencies, such as the controversy over legislative history. These issues are discussed from legal, economic, and political perspectives. The student’s grade is based on a final examination. Autumn (3) Mr. Vermeule. Spring (3) Mr. Gersen.

LOCAL GOVERNMENT LAW. 71701. 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. Spring (3) Ms. Roin.

MARRIAGE. 68001. 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 class participation and a final examination or major paper. Winter (3) Ms. Case.

MENTAL HEALTH ADVOCACY. 67013. 67023. 78033. Mental Health Advocacy teaches litigation and other advocacy skills. Under the supervision of the clinical teacher, students engage in individual and systemic litigation and legislative and other advocacy on behalf of indigent, mentally ill clients of the Law School’s Edwin F. Mandel Legal Aid Clinic. With the permission of the clinical teacher, students may choose to focus on litigation, legislation, or both. Students engaged in litigation may interview clients and witnesses; research and draft pleadings and legal memoranda, including briefs to reviewing courts; conduct formal and informal discovery; negotiate with opposing counsel and others; conduct evidentiary hearings and trials; and present oral argument in trial and appellate courts. Students who have completed sixty percent of the credits needed for graduation may be licensed to appear, under the supervision of the clinical teacher, in state and federal trial and appellate courts pursuant to court rules and practices. Students engaged in legislative advocacy may research and draft legislation and supporting materials, devise and implement strategies to obtain the enactment or defeat of legislation, negotiate with representatives of various interest groups, and testify in legislative hearings. In addition to discrete advocacy skills such as cross-examination, discovery planning, and legislative drafting, the course aims to provide students with an understanding of the relationships between individual advocacy tasks and the ultimate goals of clients, between litigation and legislative advocacy, and between advocacy on behalf of individual clients and advocacy for systemic change. Prior to the beginning of the third year, students who intend to engage in litigation are required to complete Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. Prior or contemporaneous enrollment in either Legislation or Legislative Process is encouraged for students intending to engage in legislative advocacy. Prior or contemporaneous enrollment in Law and the Mental Health System is encouraged for all students. Second-year students will ordinarily not be permitted to enroll during the Autumn Quarter. See the general rules for all clinical courses for further details concerning enrollment, including the rules governing the award of credit. Mental Health Advocacy satisfies part of the writing requirement if substantial written work is completed. Academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff. Autumn (var) Winter (var) Spring (var) Mr. Heyrman.

NATIONAL IDENTITY AND CITIZENSHIP IN U.S. HISTORY. This course explores the ways that American national identity and citizenship have been legally, politically, and culturally construed at different moments in United States history. It shall examine juridical and social categories of belonging to the American nation and the political, legal, and cultural contestations over inclusion and exclusion that have turned on property-holding, race, gender, and alienage in US history. The emphasis will be on U.S. history and historiography, that is, how have both contemporaries and historians defined
the meaning(s) of being American? How has American identity cohered and fractured, endured and changed, over time, and with what consequences? We will read mainly from history but will draw also from recent theoretical work that problematizes nation and citizenship in various disciplines, including law, political theory, post-colonial theory, cultural studies. The course is organized around thematic issues and moves roughly across time: the American Revolution and the early republic; colonialism and migration in the late nineteenth and early-twentieth century; pluralism and multiculturalism from World War II to the present. Grades are based on the close reading of texts and active, intelligent participation in class discussion; a ten-minute oral presentation to launch discussion in one class, comprising commentary on readings (not a summary) and a few questions for discussion. A one-page comment/questions to be posted on class e-mail listserv 24 hours before class. (To subscribe, go to: https://listhost.uchicago.edu/mailman/listinfo/hist-628, to post a message, send to hist-628@listhost.uchicago.edu.); a short review essay of any book-length monographic work on syllabus, 4-5 pages in length. Due at the beginning of class the day it is discussed in class (no late papers); an essay, 15-20 pages in length, expanding on one of the thematics of the course, drawing from at least three works from the selected bibliography (see end of syllabus), and/or other books in consultation with the instructor. Due Monday, Dec. 10 to instructor's mailbox SS 19. Autumn (3) Ms. Ngai.

NATIONAL SECURITY LAW. 70701. We will study the law and policy relating to national security threats and regulatory responses by government, especially the threat of terrorism and catastrophic attacks with nuclear, biological or chemical weapons. Topics covered may include the constitutional law of emergencies, executive power, and free speech; statutes such as the Foreign Intelligence Surveillance Act and the USA PATRIOT Act; and recent legal controversies surrounding the detention and interrogation of alleged enemy combatants. Although there are no formal prerequisites, students who have taken Constitutional Law I will have acquired useful expertise in some of the relevant issues. Winter (3) Mr. Vermeule.

NETWORK INDUSTRIES. 73501. This course addresses state and federal regulation of price, quality, and entry, with an emphasis on the regulation of natural monopolies, cost-of-service rate-making, rate design, and the problem of partial competition within a regulated environment. While the scope of the course precludes a detailed investigation of any particular industry or system of regulation, particular attention is paid to electrical generation and transmission, the Internet, and telecommunications, with exposure to problems of the other network industries, such as transportation and consumer electronics. This course emphasizes the substantive law and regulated industries and pays scant attention to the procedural questions addressed in Administrative Law, which should be taken at some point, but which is not a prerequisite for this course. The student's grade is based on class participation and a final examination. (Not offered 2005-2006).

NON PROFIT ORGANIZATIONS. 67802. This seminar explores the law associated with nonprofit organizations. Such topics as fiduciary duties, conversions from non-profit to for-profit status, tax exemptions, charitable deductions, and limits on lobbying activities are included. We dwell on the underlying question of why some activities (and not others) are carried out in the nonprofit sector. The student’s grade is based on class participation and a final examination. Enrollment is limited to 18. Fall (2) Mr. Golden.
PARENT, CHILD, AND STATE. 47101. (=SSA, PUBPOL). This course examines the legal rights of parents and children, and the state’s authority to define and regulate the parent-child relationship. Among the topics discussed are children’s and parent’s rights of expression and religious exercise, termination of parental rights and adoption, paternity rights, the state’s response to child abuse and neglect, the role of race in defining the family, and the legal issues raised by the development of new reproductive technologies. The student’s grade is based on a proctored or take-home examination. (Not offered 2005-2006).

PARTNERSHIP TAXATION. 75601. This course examines income tax aspects of partnerships. Partnerships have become a widely used business structure, particularly since the invention of limited liability companies and the increase in the number of start-up ventures. The course focuses on formations, distributions, income allocations, borrowings, and liquidations 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. Spring (3) Mr. Golden.

PATENTS. 78001. This is a basic course in patent law, where 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. Winter (3) Mr. Lichtman.

POLITICAL RESPONSIBILITY. (=PS 42600). Collective action through institutions directed at goals of maximizing freedom equity and well being for people cannot occur unless the individuals acting with and within these institutions are responsible. What does responsibility mean in the context of large scale social structures and organized action? Can we make meaningful distinctions between moral responsibility in individual interaction and political responsibility in the context of participation in political community? Is it important to see political responsibility in backward looking terms of assigning causal agency to events that have occurred, or is it more important to consider responsibilities for future transformation? Can it be argued that people in a collective share responsibility for passive assent or sharing attitudes even when they themselves have not performed harmful or unjust acts? We will discuss questions such as these through works of writers such as Hannah Arendt, Jean Paul Sartre, Larry May, Marion Smiley, Hans Jonas, Dennis Thompson, Robert Goodin, Jacques Derrida and others. Winter (3) Ms. Young.

POVERTY AND HOUSING LAW CLINIC. 90512. 90522. This practicum, 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 of Metropolitan Chicago, which provides free legal services to indigent clients in civil matters. Students will spend at least thirteen hours per week in one of LAFMC’s six neighborhood offices—located in Chicago’s South Side, West Side, and Northwest Side, in the Loop, and in Evanston and Harvey—or in LAFMC’s Housing Law Project or Foreclosure Prevention Project (both of which are located in downtown Chicago). Students may be asked to appear with tenants at administrative grievance hearings; represent defendants in eviction or foreclosure actions; file suit to enjoin land-
lords from performing lock-outs or refusing to make necessary repairs; participate in ongoing federal litigation; advocate on behalf of tenant groups; comment on proposed federal housing regulations; and file bankruptcy petitions on behalf of subsidized-housing residents who are trying to preserve their tenancies. All students will be expected to interview clients, prepare written discovery, and draft motions. Students with 711 licenses may be asked to appear in court at status hearings, conduct depositions, argue contested motions, negotiate with opposing counsel, and participate in bench or jury trials. In addition to working at LAFMC, students will attend a weekly two-hour seminar at which they will learn about laws governing the landlord-tenant relationship; eviction actions; foreclosures; public housing; the Section 8 tenant-based and project-based rental assistance programs; housing discrimination; the affordable housing crisis; and preservation and production of affordable housing. Enrollment is limited to twelve students. This practicum is run by Richard Wheelock (supervisory attorney, LAFMC’s Housing Law Project) and Lawrence Wood (supervisory attorney, LAFMC’s Northwest Office). The student’s grade is based on class participation (20%); one paper—10 pages minimum (10%); and work at LAFMC (70%). Winter (3) Spring (3) Mr. Wood and Mr. Wheelock.

PRACTICING CORPORATE LAW. We will consider in depth issues of topical interest in private and public corporate law practice, with a focus on decisions facing counsel for directors, officers, advisors, regulators, and policy makers. Subjects to be covered include a broad range of corporate governance and strategic transaction issues, reform proposals, securities and corporate litigation, and the role of legal advisors, but will be adapted to match current events and student interests. Students will select a realistic fact setting illustrating a topic of interest to research and present to the class. Students will be encouraged to suggest their own topics. Research will be expected to reach beyond, as appropriate, traditional law-related sources. Students will defend their analysis and recommendations to fellow students. The course will be taught by Robert Helman, former Chairman of Mayer, Brown, Rowe & Maw, LLP, and a corporate director. Grades will be based on two short papers (each approximately 10 pages double-spaced, the first due at mid-quarter and the second due within four weeks after the end of the quarter), oral presentation, and classroom participation. Where appropriate, two students may share a topic. Prerequisite: Corporations. Winter (3) Mr. Helman.

PRE TRIAL ADVOCACY. This seminar focuses on fundamental pretrial litigation strategies and skills, including, creation and evaluation of legal and factual theories, pleading and motion practice, interviewing clients and witnesses, discovery planning, depositions and pretrial preparation. The seminar employs a variety of learning methodologies, including lectures, small group discussions, simulated exercises, and videotaped performances by students. Evidence is a prerequisite. Students taking Pretrial Advocacy are also eligible to enroll in the Intensive Trial Practice Workshop. The student’s grade is based on class participation. Enrollment is limited to 48 students with preference given to students who have been accepted in to a clinic course. Students who have taken Advanced Trial Advocacy (LAW 93802) may not take this course. Spring (2) Mr. Bowman, Ms. Conyers, Mr. Futterman, Mr. Heyrman, Ms. Mather, Mr. Margulies, Ms. Milnikel, Mr. Schmidt, Mr. R. Stone.
PRICE THEORY. 43601 (=ECON 301). The focus of this course is on the theory of consumer choice, including household production, indirect utility, and hedonic indices; supply under competitive and monopolistic conditions; static and dynamic cost curves, including learning by doing and temporary changes; uncertainty applied to consumer and producer choices; and market equilibrium and its stability. Autumn (3) Mr. G. Becker and Mr. Murphy.

PRIVACY. 79701. 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 will include Internet privacy; health care and genetic privacy; Megan’s Law; sexual privacy; the relationship between privacy and the First Amendment; associational privacy; and the Fourth Amendment and other restrictions on governmental investigations and surveillance. The student’s grade is based on a final examination. (Not offered 2005-2006).

PRIVATE AND PUBLIC COMMERCIAL LAW. This seminar explores the existence of a type of commercial law that is often ignored, that is, private commercial law, by which I mean the substantive rules that have been developed by merchant groups to govern their transactions, rules that are interpreted and enforced in merchant run tribunals. Private commercial law currently exists in many industries including, rice, cotton, tea, hay, feed, grain, printing, binding, diamonds and convention organizing. The study of these private systems provides the future commercial lawyer with a glimpse of the types of rules, contracts and interpretive approaches that merchant transactors select when they are deciding for themselves the types of arrangements that are best suited to their businesses. By looking at these arrangements it is possible to learn a great deal about: (1) how to draft commercial agreements subject to public court jurisdiction,(2) what types of fora, apart from public courts, can be selected to enforce agreements in ways more beneficial to contracting parties, and (3) what types of provisions are best left out of contracts altogether. Students will be required to write two papers of no more than 8 pages each. The first paper will ask students to identify an industry that is not governed by a private legal system, but that could benefit from such a system. The second paper will ask students to identify a contracting problem endemic to an industry and to discuss how techniques learned from the study of private legal systems can be used to solve the problem they identify. The seminar is not for writing credit, but with the advanced permission of the instructor the seminar will provide a sound foundation for a subsequent 499 on the subject. Autumn (3) Ms. Bernstein.

PUBLIC CHOICE. 69002. This seminar focuses on the relationship between modern perspectives on voting and interest groups on the one hand and legislation and judicial interventions on the other. The problems associated with collective decision-making illuminate 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 and standing, to line-item vetoes and term limits and balanced budget amendments). In short, students arm themselves with the literature on interest groups and democratic decision-making in order to explore a wide variety of social problems and legal rules. Students prepare a series of biweekly “reaction” papers and then a modest take-home exam. (Not offered 2005-2006).
PUBLIC INTERNATIONAL LAW. 72901. This course is an introduction to the international legal system and particularly its decision-making processes—how international law is made and applied; the institutions created for making decisions; and the various legal regimes that are established. Consideration will be given to formal as well as operational prescriptions and practice. The role of power in this system will be candidly acknowledged, and the problems and opportunities it presents will be explored. Special attention will be given to (1) theory; (2) participants in the system; (3) control of access to and regulation of the resources of the planet; (4) nationality and human rights; and (5) regulation of the use of force. The student’s grade will be based on class participation and a scheduled examination. Spring (3) Mr. Kontorovich.

READINGS IN LEGAL THOUGHT. 57002. Students in this seminar read a selection of important works in the development of Anglo-American legal thought from the eighteenth century to the present. In the past, authors have included Blackstone, Bentham, Mill, Holmes, Frank, Calabresi, Posner, MacKinnon, Scalia, Cass, and others. Students submit a commentary on each reading prior to its being discussed in class. This seminar, which will meet five times (6-8 pm) over the course of the year, may be taken for fulfillment of the Substantial Writing Requirement. Grades are based on the written submissions and class participation. Enrollment is limited to 14 students. TBA (3) Judge Ginsburg.

RECENT LITERATURE ON COURTS. 54402. This seminar explores important new works in the social science literature on courts. Its objective is to help participants become fully informed about the most recent and important social science work on courts. Because it aims to provide participants with a critical perspective on new work, solid grounding in the literature, as obtained in Law and Politics: U.S. Courts as Political Institutions (51302), is a prerequisite. The reading varies from year to year, depending on what has been written. Spring (3) Mr. Rosenberg.

REGULATION OF SEXUALITY. 72201. This course focuses on the many ways in which the legal system regulates sexuality, sexual identity, and gender and considers such regulation in a number of substantive areas, including marriage laws, custody rules, sodomy laws, and constitutional rights such as free speech, equal protection, and substantive due process. Readings include cases and articles from the legal literature together with work by scholars in other fields on current questions of identity and other theoretical issues. Spring (3) Ms. Case.

REMEDIES. 41401. 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 punitive 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
tortfeasor, such as mitigation of damages and comparative fault, in Torts and Contracts
will also be discussed. The student’s grade will be based on a final proctored examina-
tion. (Not offered 2005-2006).

REPRODUCTIVE LAW AND ETHICS. This seminar examines the ethical and legal
issues surrounding reproduction in both the United States and abroad. Course read-
ings are compiled from a wide variety of materials including legal cases, medical jour-
nals, and law reviews. The seminar will cover sterilization, contraception, assisted
reproductive technologies, embryo storage and adoption, cloning, abortion, pre-
implantation genetic diagnosis and screening, maternal fetal conflicts, and surrogacy.
Other topics may also be explored. Grades will be based on class participation and a
series of short reaction papers written during the quarter. Spring (3) Ms. Smolensky.

RIGHT TO COUNSEL IN THE CRIMINAL JUSTICE SYSTEM. This course examines
the right to legal representation for people accused of crimes or in prison who cannot
afford a lawyer. It will cover when one is constitutionally entitled to counsel, the quali-
ty of counsel provided, the resources available to the lawyer for investigative and expert
assistance and whether the legal system is making good on the promise of “equal jus-
tice under law.” Autumn (TBA) Mr. Bright.

RISK AND UNCERTAINTY. Law must often be made when outcomes cannot be pre-
dicted in advance and when authorities can, at most, assign probabilities to the imag-
inable outcomes. Sometimes probabilities cannot be assigned at all — a situation of risk
rather than uncertainty. Risk and uncertainty pervade the war against terrorism and
national security; global warming, occupational health, safe foods, and many other
issues have similar features. Social science offers a range of fascinating ideas about how
people approach risk and uncertainty, with many surprises; behavioral economics and
social psychology provide key insights. The purpose of this seminar is to bring togeth-
er (1) law, (2) risk and uncertainty, and (3) behavioral economics and social psychology.
Spring (3) Mr. Sunstein.

ROMAN LAW. 47702. The seminar develops skill in analyzing legal problems accord-
ing 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, fol-
lowed by an examination of the Roman institutional system, the basis of most mod-
ern civil law codes. Particular emphasis is given to property and to obligations (con-
tracts and torts). No knowledge of Latin is required for the seminar. Enrollment is lim-
ited to twenty-five students. This seminar may be taken for fulfillment of the Sub-
stantial Writing Requirement. (Not offered 2005-2006).

SARBANES OXLEY ACT. This class will examine the changes brought about by the
Sarbanes-Oxley Act both in terms of reporting requirements for public
companies and the Act’s impact on securities litigation. Winter (TBA) Mr. Bunge, Mr.
Krulewitch.
SECURED TRANSACTIONS. 42201. 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. The student’s grade is based on a proctored final examination. Autumn (3) Mr. Picker.

SEX DISCRIMINATION. 73101. This course will cover the spectrum of distinctions made in the law on the basis of sex and of legal prohibitions on the making of sex distinctions. Autumn (3) Ms. Case.

SEX EQUALITY. 48801. This course in practical jurisprudence inquires into the relationship between sex inequality in society and sex equality under law. The dominant paradigm of legal equality in terms of sameness and difference is examined and an alternative of dominance and subordination is considered. Concrete issues including comparable worth, sexual harassment, rape, abortion, prostitution, family, pornography, and gay and lesbian rights are examined in sex equality terms. Questions such as the legitimacy of the “intent” requirement in Constitutional cases and the fairness of the burden of proof under Title VII are also considered. Inequalities of race and class are addressed throughout. The course canvasses, examines, criticizes, and aims to expand the law of sex discrimination toward meaningful civil equality between women and men. The student’s grade is based on a final examination and class participation. (Not offered 2005-2006).

SPORTS LAW. 63902. This seminar focuses on current issues in sports law including eligibility rules, drug testing, ownership structure, antitrust, 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. Autumn (3) Mr. Collins.

STRUCTURING VENTURE CAPITAL AND ENTREPRENEURIAL TRANSACTIONS. 71401. This course covers the tax and legal 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 a 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) a restructuring of an existing enterprise to provide better incentives to key executives; (6) devising an equity-based executive compensation program; (7) a restructuring or workout (in or out of bankruptcy) for the troubled over-leveraged enterprise; (8) devising an exit scenario for the successful venture capital financed enterprise (such as an IPO, SEC rule 144 sales, or a sale of the company); (9) utilizing an NOL in a venture capital or LBO deal; and (10) 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 and accounting rules relevant to entrepreneurial transactions (including use of common and preferred stocks, convertible debentures and convertible preferred, 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. There are no specific prerequisites. However, Introductory Income Tax is strongly recommended, and Taxation of Corporations I is desirable. In addition, knowledge of corporate law, securities regulation, bankruptcy, and accounting are helpful. The student’s grade is based on a final examination. Graduating students are required to take the final examination in the early examination period. Spring (3) Mr. Levin and Mr. Rocap.

STUDIES IN CORPORATE CONTROL. This seminar will study the nature and function of corporate control. The seminar is not open to students who have taken Corporation Law with Professor Isenbergh. Winter (2) Mr. Isenbergh.

TAX POLICY. This course covers issues of basic tax and transfer policy. Issues covered will include the appropriate degree of redistribution in the tax and transfer system, whether income or consumption should be taxed, whether corporations or individuals should remit taxes, and how taxation affects families. Introductory Income Tax is recommended but not required. Students will be expected to write three short essays on topics of their choosing for their grade. There will be no final examination. Spring (3) Mr. Weisbach.

TAXATION OF CORPORATIONS I. 75801. This course examines income tax aspects of the formations, distributions, and liquidations of corporations. The focus is on transactional and planning aspects of the corporate tax. Introductory Income Tax is recommended. The student’s grade is based on class participation and a final examination. Winter (3) Mr. Isenbergh.

TAXATION OF CORPORATIONS II. 75901. 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 Introduction to Income Tax are recommended. Students’ grades based on a final proctored examination. Spring (3) Mr. Isenbergh.

TELECOMMUNICATIONS LAW AND POLICY. 70401. This course examines the legal framework for the regulation of radio, broadcast television, cable television, and the telephone system. After learning the basics, students focus on specific problem areas, including the regulation of indecent speech; compelled access in its various forms; network effects; and questions about the proper interaction between the Federal Communications Commission, the federal courts, state regulatory authorities, and Congress. The student’s grade is based on a proctored final examination. Spring (3) Mr. Lichtman.
TOPICS IN STATE AND LOCAL FINANCE. 62202. This seminar examines the implications of choosing between the various revenue sources available to states and localities. Students are asked to consider questions of “inter-jurisdictional equity,” “inter-generational equity,” and “vertical equity” in the context of topics such as public school finance, the use of municipal bonds, tax competition, and tax cooperation. The student’s grade is based on a series of short papers and class participation. Spring (3) Ms. Roin.

TOPICS IN U.S. HEALTH ECONOMICS, SOCIOLOGY, AND POLICY. 97002 (=HSTD 35401). This seminar will explore three topics: (1) do physicians, hospitals, and health plans have a “business case” for making investments to improve quality in health care? (2) what relationship (if any) is there among the malpractice system, medical errors, patient safety, and quality? (3) has medical practice in the U.S. been “corporatized”? What might this mean, and what might be the benefits and costs? We will approach these topics by drawing from the health policy, law, and organizational and institutional sociology and economics literature. Winter (3) Mr. Casalino.

TRADE SECRETS. This seminar will examine the law that governs the protection of trade secrets and other confidential proprietary information. This body of law, which lies at the intersection of patent law and information privacy law, is typically given short shrift in intellectual property courses, notwithstanding the importance of trade secrecy protection in the increasingly information-based economy. The goal of this seminar is to provide trade secrecy with more sustained attention. Most of the reading for the seminar will consist of trade secret cases, to be supplemented by some economic, sociological, and historical readings on trade secrecy protection. Students will be graded on the basis of short, weekly response papers and class participation. Spring (3) Mr. Strahilevitz.

TRADEMARKS AND UNFAIR COMPETITION. 45701. The focus of this course is on federal and state laws designed to protect trademarks and to protect against unfair competition, including misappropriation and false and deceptive advertising. The course also examines state laws protecting rights to publicity. The student’s grade is based on class participation and a final proctored examination. Autumn (3) Mr. Landes.

TRIAL PRACTICE: STRATEGY AND ADVOCACY. 91702. This seminar will focus on how trial lawyers develop strategy and themes from the beginning of a lawsuit through trial. The instruction will be by lectures, demonstrations, and participation in “learning-by-doing” exercises. This seminar will be centered on a specific trial problem (including a mini-trial at the end of the seminar), but attention also will be given to decision-making in the pre-litigation phase and how those decisions may affect a trial’s outcome. Students will learn how to use depositions, written discovery, expert witnesses, motions, and technology as effective litigation tools. While exposure to the Federal Rules of Evidence is strongly recommended, this is not a requirement for the seminar. Final grades will be based on a fifteen-page trial brief, class participation, and participation in the mini-trial. Students should be prepared to select a trial partner at the end of the first class. Enrollment is limited to 18 students. Winter (3) Ms. Behnia and Mr. Fields.
TRUSTS AND ESTATES. 45201. This course examines the laws governing the disposition of property at death, including statutory schemes for intestate succession, wills (including preparation, execution, modification and revocation, capacity, and interpretation), trusts and other non-testamentary means of transferring property at death, and statutory constraints on freedom of disposition of property. The course will use the Uniform Probate Code as a base, contrasting its recommendations with the statutory laws of other jurisdictions as appropriate. One goal of the course is to obtain an understanding, both formal and pragmatic, of the elements of a common practice area. A second goal is to examine how rules and standards in this fairly conservative area of the law do accommodate, and should accommodate, social and technological changes, such as assisted conception procedures, artificial life support, untraditional families, and changes in the predominant forms of wealth. A third goal is to investigate the overlap of trusts and estates with evolutions in family law and the extent to which these types of property relations should be directed by the state or left to individual determinations. Grades are based on class participation and a proctored final examination. Winter (3) Mr. Helsinger.

THE U.S. SUPREME COURT. 50302. This seminar involves the study of eight selected cases currently on the docket of the Supreme Court of the United States. The members of the seminar, after considering the briefs filed with the Supreme Court by the actual parties to the cases, present oral arguments and discuss the cases and draft judicial opinions. Each student is responsible for writing at least one substantial opinion concerning a case that s/he did not argue. Enrollment is limited, and attendance is required. Grading is based on the quality of oral argument, participation as a member of the Court during the oral arguments of other students, and the quality of the written opinion. This seminar may be taken for fulfillment of the Substantial Writing Requirement. (Not offered 2005-2006).

WHITE COLLAR CRIME. In 1949, sociologist Edwin H. Sutherland wrote a groundbreaking book titled White Collar Crime, a book that coined the term. The thesis of Sutherland's book was that there were large swaths of criminal activity that were never investigated because of our obsession with street crime. Over the course of the next fifty plus years, the field of "white collar crime" emerged in criminal law, but gradually shrank down to the more circumscribed crimes of insider-trading, embezzlement, and tax fraud. Starting with Sutherland's book, this course will explore these narrow crimes, but also the larger range of crimes that fall under a more robust definition of white-collar crime. Autumn (3) Mr. Harcourt.

WHITE COLLAR CRIMINAL PRACTICE AND ADVOCACY. 92202. This one quarter seminar is a practical study of white-collar criminal statutes, pre-indictment representation, and trial advocacy. The course will cover the substantive white collar criminal law of corporate criminal liability, mail and wire fraud, conspiracy, criminal antitrust, tax fraud, and the United States Sentencing Guidelines. It will also address from a procedural perspective corporate internal investigations, grand jury investigations, representation of targets and subjects, and pretrial motion practice. Time permitting, this course will include lectures, demonstrations, and student simulations of pretrial negotiations, opening statements, direct and cross examinations, closing arguments, and effective
sentencing advocacy in the white collar criminal context. Evidence and Criminal Procedure are prerequisites. Enrollment is limited to 16 students, and interested students are required to submit, via email to the Law School registrar, a statement of interest in white collar criminal law. Statements are due upon registration. The student’s grade is based on an eight-hour take-home examination (85%) and on class participation (15%). Winter (3) Mr. Tarun.

WORKSHOP: CONSTITUTIONAL LAW. 63612. 63622. 63632. This workshop, conducted over three sequential quarters, exposes students to recent academic work in constitutional law and the theory of constitutional interpretation. 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. This workshop may be taken for fulfillment of the Substantial Writing Requirement. Grading is based on a substantial paper. Enrollment is limited. Autumn (1) Winter (1) Spring (1) Mr. Strauss and Mr. Vermeule.

WORKSHOP: CRIME AND PUNISHMENT. The study of crime and punishment has always held a prominent place in the social sciences and professional schools at the University of Chicago. This workshop carries on this tradition. Providing an interdisciplinary forum for faculty and graduate students to present current research, it allows participants to contribute to the development of new understandings of crime and society’s response to crime. This workshop will host a series of lively and interactive presentations covering such topics as incarceration, social disorganization, the geography of crime, street gangs, and state interventions. Sessions will be held roughly every two weeks. Grading will be based on reaction papers and participation in the workshops. Autumn (1) Winter (1) Spring (1) Mr. Harcourt and Ms. Meares.

WORKSHOP: INTERNATIONAL LAW. 63412. 63422. 63432. This workshop, conducted over three sequential quarters, examines current research and controversies in international law, including public and private international law, international trade, and international relations. There are twelve workshop sessions throughout the year in which members of the faculty of other institutions present academic works-in-progress. Students are required to write short essays with critical comments and questions about each workshop paper. They are also expected to participate fully in the workshop sessions. This workshop may be taken for fulfillment of the Substantial Writing Requirement. Students enrolled in the workshop receive three credits at the end of the Spring Quarter. Autumn (1) Winter (1) Spring (1) Mr. Kontorovich, Mr. E. Posner.

WORKSHOP: LAW AND ECONOMICS. 56012. 56022. 56032. 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 five credits at the end of the Spring Quarter. Grading is based on the completion of a substantial paper that satisfies the Substantial Writing Requirement. Autumn (2) Winter (2) Spring (1) Mr. Weisbach.
WORKSHOP: LEGAL SCHOLARSHIP. 78711, 78721, 78731. This multiquarter course is designed for students interested in developing either an existing paper (in need of substantial revision) or new research into a publishable article. In the Autumn quarter the course will be run as a mini faculty 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 attendance, participation, and quality of the final writing. Students must complete the entire offering to receive credit for the course. Autumn (2) Winter (1) Spring (2) Ms. Bernstein and Mr. Rosenberg.
INDEPENDENT STUDY

INDEPENDENT RESEARCH. 499. Second- and third-year 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.

Special rules regarding credit, permission, and requirements for submission of written work are set forth in the Law School Student Handbook. Students wishing to register for 499 credit should consult the Registrar or the Dean of Students.

Before being granted permission to register for 499 work, students must submit a project proposal to the supervising faculty member. In considering possible fields or topics for such projects, students may wish to consider seminars described above but listed as not offered in the current year and to consult the instructors concerned as to the possibility of independent work in those fields. Students are encouraged to submit exceptional papers for publication in *The Law Review* or in other legal periodicals.

Following is a listing representative of faculty members’ preferred areas for supervising written work.

- Albert W. Alschuler: criminal law; criminal procedure (especially sentencing, search and seizure, and juries); American legal theory.
- Douglas Baird: bankruptcy; contracts; intellectual property; commercial law.
- Lisa E. Bernstine: contracts; alternative dispute resolution.
- Locke E. Bowman: death penalty; civil rights law; habeas corpus.
- Emily Buss: civil procedure; juvenile law; family law; evidence.
- Mary Anne Case: regulation of family sex and gender; feminist jurisprudence; constitutional law; comparative civil law; European rights law.
- Herschella P. Conyers: criminal justice; poverty; racism; legal services to the poor.
- Adam Cox: voting rights; election law; immigration law; federal jurisdiction.
- David P. Currie: constitutional law; federal jurisdiction.
- Kenneth W. Dam: international trade; comparative public law; intellectual property.
- Frank H. Easterbrook: antitrust; securities; interpretation.
- Richard A. Epstein: any common law subject; property-related constitutional issues; law and economics.
- Craig Futterman: police accountability.
- Susan Gzesh: immigration law; international human rights.
- Philip Hamburger: American legal history; separation of church and state.
- Bernard Harcourt: criminal law and procedure; punishment theory; socio-legal studies; critical theory; legal and political theory.
- R. H. Helmholz: English legal history; continental legal history; real property; personal property.
- M. Todd Henderson: corporate law; securities regulation; bankruptcy; intellectual property (especially international issues).
- Mark J. Heyrman: rights of the disabled—particularly, the rights of the mentally handicapped, both in institutions and in the community; mentally handicapped in the criminal justice system, including fitness to stand trial, insanity defense, sexual offender laws.
- Dennis Hutchinson: legal and constitutional history; racism and the law; institutional studies of the U.S. Supreme Court.
- Joseph Isenbergh: domestic and international income and transfer taxation; corporate finance; tax policy; federal jurisdiction.
William M. Landes: law and economics; intellectual property; torts.
Saul Levmore: public choice; torts; corporations; corporate tax; comparative law.
Douglas Lichtman: intellectual property, including copyright, trademark, and patent; information economics; telecommunications; cyberspace; property.
Tracey Meares: criminal justice system and criminal procedure (especially the role of the prosecutor); regulation of attorneys (especially government attorneys); poverty law; race-conscious remedies.
Bernard D. Meltzer: labor law; employment law; evidence.
Jeff Leslie: affordable housing; tenants rights; and economic development transactions.
Martha Nussbaum: moral and political philosophy; jurisprudence; law and literature; ancient Greek philosophy; feminist theory; theories of motivation.
Randal C. Picker: secured transactions; bankruptcy; corporate reorganizations; game theory; environmental law.
Eric Posner: bankruptcy; commercial law; contract law; game theory; law and social norms.
Richard A. Posner: economic analysis of law; judicial behavior; jurisprudence.
Julie Roin: federal taxation; taxation of international transactions; state and local government.
Gerald N. Rosenberg: law and society; law and social change; interest groups, law and the courts; political jurisprudence; empirical approaches to the study of law, courts, and judicial behavior.
Andrew M. Rosenfield: business and entrepreneurship.
Randall D. Schmidt: civil rights; employment discrimination; civil litigation—including discovery, pretrial procedures, trial practice, evidentiary issues, etc.
Geoffrey R. Stone: evidence; freedom of speech and press; equal protection; search and seizure.
Randolph N. Stone: criminal justice; ethics; legal profession; poverty; racism; legal services to the poor.
Lior Strahilevitz: property and land use; privacy; free speech, copyright; law and technology; and statutory interpretation.
David A. Strauss: constitutional law; federal jurisdiction; legal theory or jurisprudence; criminal procedure; civil procedure; administrative law; employment discrimination.
Cass R. Sunstein: environmental law; occupational safety and health regulation; administrative law; separation of powers; jurisprudence and legal theory; constitutional law; social security and welfare law.
Alan O. Sykes: torts; contracts; insurance; economic analysis of law; private international law.
Adrian Vermeule: legislation; constitutional interpretation; federal jurisdiction and procedure.
David A. Weisbach: taxation.
Diane P. Wood: international antitrust; antitrust; international trade and business; international conflicts of law-private international law; civil procedures.