

COURSES

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

Key to course details:

Key	Description
+	subject to prerequisites, co-requisites, exclusions, or professor permission
1L	first year required course
a	extends over more than one quarter
c/l	cross listed
e	first-year elective
l	Lecturer-taught seminar/simulation class
m	seminar
p	meets the professional responsibility/ethics requirement
r	papers may meet substantial research paper (SRP) graduation requirement
s	meets the professional skills requirement
u	simulation class
w	meets writing project (WP) graduation requirement
x	class available for bidding
(#)	the number of Law School credit hours earned for successful completion of the course

FIRST YEAR COURSES

Civil Procedure I

LAWS 30211 - 01 (3) 1L

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

The student's grade is based on an examination given at the end of each quarter.
Autumn 2015 - Anthony J. Casey

Civil Procedure I

LAWS 30211 - 02 (3) 1L

Civil Procedure is offered in two parts. Part I meets in the Autumn Quarter and addresses the mechanics of civil litigation, with special reference to pleading, discovery, and trial, including the respective roles of judge and jury. Part II is offered in the Spring Quarter and focuses on the study of the power of particular courts to decide cases (subject matter jurisdiction); jurisdiction of the courts over the person or things before them; the scope and effect of judgments; principles of finality of judgments; and the rules governing joinder of claims and parties. The student's grade is based on an examination given at the end of each quarter.
Autumn 2015 - Emily Buss

Civil Procedure II

LAWS 30221 - 01 (3) 1L

Civil Procedure is offered in two parts. Part I meets in the Autumn Quarter and addresses the mechanics of civil litigation, with special reference to pleading, discovery, and trial, including the respective roles of judge and jury. Part II is offered in the Spring Quarter and focuses on the study of the power of particular courts to decide cases (subject-matter jurisdiction); jurisdiction of the courts over the person or things before them; the scope and effect of judgments; principles of finality of judgments; and the rules governing joinder of claims and parties. The student's grade is based on an examination given at the end of each quarter.
Spring 2016 - Alison LaCroix

Civil Procedure II

LAWS 30221 - 02 (3) 1L

Civil Procedure is offered in two parts. Part I meets in the Autumn Quarter and addresses the mechanics of civil litigation, with special reference to pleading, discovery, and trial, including the respective roles of judge and jury. Part II is offered in the Spring Quarter and focuses on the study of the power of particular courts to decide cases (subject matter jurisdiction); jurisdiction of the courts over the person or things before them; the scope and effect of judgments; principles of finality of judgments; and the rules governing joinder of claims and parties. The student's grade is based on an examination given at the end of each quarter.
Spring 2016 - William H. Hubbard

Contracts

LAWS 30511 - 01 (3) 1L, a

This course, offered over two sequential quarters, is an introduction to commercial and consumer law and lays the foundation for advanced study in commercial

transactions, corporations, restitution, consumer credit, insurance, labor and employment law, and investment securities. Substantively, the Contracts course deals with how contracts are formed, which contracts are valid, when a contract has been breached and the various remedies for breach, including damages, specific performance, and restitution. The course is also designed to introduce the student to legal methodology and to compare the common law with the techniques of statutory interpretation, particularly in connection with the Uniform Commercial Code.

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

Winter 2016 - Omri Ben-Shahar

Contracts

LAWS 30511 - 02 (3) 1L, a

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

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

Winter 2016 - Eric A. Posner

Contracts

LAWS 30511 - 01 (2) 1L, a

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

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

Spring 2016 - Douglas G. Baird

Contracts

LAWS 30511 - 02 (3) 1L, a

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

Spring 2016 - Eric A. Posner

Criminal Law

LAWS 30311 - 01 (3) 1L, a

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

Autumn 2015 - Jonathan Masur

Criminal Law

LAWS 30311 - 02 (3) 1L, a

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

Autumn 2015 - Sonja B. Starr

Criminal Law

LAWS 30311 - 01 (3) 1L, a

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

Winter 2016 - Genevieve Lakier

Criminal Law

LAWS 30311 - 02 (3) 1L, a

This course, offered over two sequential quarters, addresses the doctrines of criminal liability and the moral and social problems of crime. The definitions of crimes and defenses are considered in light of the purposes of punishment and the role of the criminal justice system, including police and correctional agencies. The student's grade is based on class participation and a single final examination. Winter 2016 - Thomas J. Miles

Elements of the Law

LAWS 30101 - 01 (3) 1L

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

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

Autumn 2015 - Lior Strahilevitz

Elements of the Law

LAWS 30101 - 02 (3) 1L

This course examines certain issues that occur in many different areas of the law and considers the relationship between these issues and related 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 nature of moral judgments.

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

Autumn 2015 - David A. Strauss

Elements of the Law

LAWS 30101 - 03 (3) 1L

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

problems of interpreting statutes and other authoritative texts; and the objective or subjective nature of moral judgments.

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

Autumn 2015 - Richard H. McAdams

Legal Research and Writing

LAWS 30711 – 01, 02, 03, 04, 05, 06 (2, 1, 1) 1L, a

All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellow and Lecturer in Laws.

The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer's regular tasks. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis.

Autumn 2015, Winter 2016, Spring 2016 - Paul T. Crane, Heather Whitney, Ben Grunwald, Ryan D. Doerfler, Nadia Nasser-Ghods, Michael C. Pollack

Property

LAWS 30411 - 01 (3) 1L, a

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

The student's grade is based on a single final examination at the conclusion of the Spring quarter.

Winter 2016 - Richard H. Helmholz

Property

LAWS 30411 - 02 (3) 1L, a

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

The student's grade is based on an in-class examination.

Winter 2016 - Lior Strahilevitz

Property

LAWS 30411 - 01 (3) 1L, a

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

The student's grade is based on a single final examination at the conclusion of the Spring quarter.

Spring 2016 - Richard H. Helmholz

Property

LAWS 30411 - 02 (3) 1L, a

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

Participation may be taken into account as indicated in the syllabus.

Spring 2016 - Lee Fennell

Torts

LAWS 30611 - 01 (3) 1L, a

The focus of this course, offered over two sequential quarters, is on the Anglo-American system (mainly judge-created) dealing with injury to person or property. Special stress is laid on the legal doctrines governing accidental injury, including negligence and strict liability.

The student's grade is based on a single final examination at the end of the two-quarter sequence.

Autumn 2015 - Saul Levmore

Torts

LAWS 30611 - 02 (3) 1L, a

The focus of this course, offered over two sequential quarters, is on the Anglo-American system (mainly judge-created) dealing with injury to person or property. Special stress is laid on the legal doctrines governing accidental injury, including negligence and strict liability.

Grades are based on a single final examination at the end of the two-quarter sequence, though participation may be taken into account as indicated on the syllabus.

Autumn 2015 - Daniel J. Hemel

Torts

LAWS 30611 - 01 (3) 1L, a

The focus of this course, offered over two sequential quarters, is on the Anglo-American system (mainly judge-created) dealing with injury to person or property. Special stress is placed on the legal doctrines governing accidental injury, including negligence and strict liability.

Grades are based on a single final examination at the end of the two-quarter sequence, though participation may be taken into account as indicated on the syllabus.

Winter 2016 - Lee Fennell

Torts

LAWS 30611 - 02 (3) 1L, a

The focus of this course, offered over two sequential quarters, is on the Anglo-American system (mainly judge-created) dealing with injury to person or property. Special stress is laid on the legal doctrines governing accidental injury, including negligence and strict liability.

The student's grade is based on a single final examination at the end of the two-quarter sequence.

Winter 2016 - Saul Levmore

SECOND- AND THIRD-YEAR OFFERINGS

Abrams Environmental Law Clinic

LAWS 67813 - 01 (1, 2, or 3 per quarter, 9 maximum) a, s

Primarily through litigation, students in the Abrams Environmental Law Clinic work to address climate change, water pollution and legacy contamination and to protect natural resources and human health. To date, the Clinic has focused on holding accountable natural resource extraction companies for actual or anticipated damage to the environment, as well as the government agencies that permit such activities. The Clinic has also recently become more involved in the development and implementation of rules and regulations regarding climate change, renewable energy, and energy efficiency, with an eye toward future litigation on these issues. Clinic students engage in a wide variety of activities to learn practical legal skills, from conducting factual investigations, to interviewing witnesses and preparing affidavits, to reviewing administrative determinations, to drafting motions, to conducting depositions, to working with experts, to arguing motions and to

presenting at trial or an administrative hearing. The Clinic generally represents regional and national environmental organizations and works with co-counsel, thus exposing students to the staff of these organizations and other experienced environmental lawyers. The Clinic may also engage in legislative reform and rule-making efforts; students interested solely in that kind of work should notify the instructor before joining the clinic, if possible.

While it helps for students to have taken or be taking one or more of Environmental Law, Administrative Law, Evidence, or Trial Advocacy, these courses are not prerequisites or co-requisites.

A student should plan to enroll in the clinic for two credits per quarter, although he or she may enroll for one or three credits per quarter after consultation with clinic faculty.

Autumn 2015, Winter 2016, Spring 2016 - Mark N. Templeton; Sean M. Helle

Accounting and Financial Analysis

LAWS 79103 - 01 (3) +, s, x

This course is designed to refresh your knowledge of basic financial accounting [first two weeks of class] and then aims to aggressively increase your ability to be a highly sophisticated user of financial statements. After taking this course, you should improve your ability to determine a firm's accounting policy for a particular type of transaction and to determine how that policy choice affects its primary financial statements. You will also learn how to question whether these effects fairly reflect the underlying economics of the firm's transactions. Asking these questions involves an interplay between accounting, economics, finance, law and business strategy. You should therefore greatly improve your ability to use an accounting report as part of an overall assessment of the firm's strategy and the potential rewards and risks of dealing with the firm. The teaching approach will be a roughly equal combination of lecture time and demanding case applications of the lecture material that will involve group case assignments that will form the basis for in-class discussion of the cases. The technical knowledge acquired from the lecture material is applied to cases where the main goal is to examine how the reported financial statements would differ if the firm had used different accounting policies. The focus is on modifying the reported financial statements in order to obtain the cleanest possible inputs for use in such applications as equity valuation, transaction structuring and credit analysis. The topics to be discussed are likely to include the accounting for, and interpretation of: revenue recognition, intercorporate investments, organizational structures (e.g., franchising), debt, and leases. Intensive group hand-in cases will be used to illustrate how the flexibility in financial reporting can reflect both the economics of the firm and the incentives of the managers creating the financial statements.

It is REQUIRED that students registering for this course have prior exposure to accounting course work, at least at the level of Fundamentals of Accounting for

Attorneys (LAWS 79112), but with a strong preference for the stronger background knowledge provided by the Booth course Financial Accounting (B30000).

Note that Legal Elements of Accounting (LAWS 79102) is NOT ACCEPTABLE TO MEET THE PREREQUISITE.

Grading will be based on case assignments, short homework assignments, class participation, and a final exam.

Prerequisite: Fundamentals of Accounting for Attorneys (LAWS 79112).

Spring 2016 - Philip G. Berger

Administrative Law

LAWS 46101 - 01 (3) x

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

Winter 2016 - Daniel J. Hemel

Administrative Law

LAWS 46101 - 01 (3) x

This course examines the structure of the administrative state, its relations to the other branches of government and private citizens, and the constitutional, statutory, and common law rules that govern the substance and procedure of administration action and inaction. A central theme is how the law manages the tension between rule of law values (e.g., procedural regularity, accountability, and substantive limits on arbitrary action) and the desire for flexible, effective administrative governance. In particular, 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. Substantial attention is also given to the Administrative Procedure Act (APA) and other statutory requirements for lawful agency action. Other covered topics include the proper role of agencies in interpreting statutory and regulatory law; judicial review of agency decisions; and public participation in agency rulemaking.

The student's grade is based on class participation and a final examination.
Spring 2016 - Jennifer H. Nou

Admiralty Law

LAWS 71001 - 01 (3)

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

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

Autumn 2015 - Randall D. Schmidt

Advanced Contracts: Sales Law for a Modern Economy

LAWS 48601 - 01 (3) s, x, u

This class is an advanced contracts class that focuses on Article 2 of the Uniform Commercial Code. It presents the material from a hybrid jurisprudential, transactional and litigation perspective in an effort to help students integrate what they have learned about contracts in theory, into the types of tasks that they will face as a transactional lawyer. For (almost) every class students will prepare a written exercise (about 2-4 pages) applying the material in the reading, these range from writing letters to clients, to lecturing the loading dock staff of a company, to researching the content of industry norms, to drafting contract clauses to deal with particular transactional realities.

During the quarter students will do a mock appellate argument, a negotiation, and will draft a sales agreement.

There is no exam.

Written assignments and the final contract will count for 60% of the grade, the other 40% will be based on class preparation and participation.

Spring 2016 - Lisa Bernstein

Advanced Corporate Law: Mergers and Acquisitions

LAWS 42311 - 01 (2 or 3) +, x, m, l

This seminar develops and applies the student's knowledge of corporate and contracts law in the context of mergers and acquisitions. After introducing the general subject, the seminar studies a progression of landmark Delaware cases delineating the fiduciary duties of directors and controlling stockholders in the contexts of (i) selling a company; (ii) defending against takeovers and proxy contests; (iii) protecting transactions against interlopers and changed circumstances; (iv) squeezing out minority stockholders; (v) going private in a leveraged buyout; and (vi) responding to stockholder activism. In reading and

discussing these cases, the students will come to understand not only the relevant legal issues, but also a fair amount about the broader non-legal context of corporate transactions. The seminar then concludes with a comprehensive look at structuring, negotiating, drafting, and other elements of modern practice in the contexts of friendly and unfriendly transactions involving both public and private companies. Contracts is a prerequisite for Law School students, and either Corporations or Business Associations I is also recommended (but may be taken concurrently). Chicago Booth MBA students have taken the seminar recently and done well, and do not need the instructor's consent in order to submit a registration request. Grades will be based on an eight-hour take-home final exam, with exceptional class participation taken into account. Students wishing to take the seminar for three credits must write an additional 10-12 page research paper.
Autumn 2015 - Douglas C. Barnard

Advanced Issues in Delaware Corporate Law

LAWS 52203 - 01 (1) +, x

This course is not a survey or an introduction to corporate law. It is a class designed to help students understand why Delaware dominates the corporate chartering market by examining recent issues arising in the Delaware courts and the Delaware legislature.

Students will be expected to read a variety of articles, as well as judicial decisions and statutory material, addressing the most current topical issues in Delaware corporate law and corporate governance, ranging from M&A issues to recent bylaw battles and to developments in shareholder activism.

Students must have had a basic business organizations course or M&A course, as familiarity with basic corporate law principles is necessary and essential.

Student participation is required.

There will not be a casebook; instead, students will read materials and reported decisions that are easily accessible in the public domain.

The mini-course will meet April 25, 26, 27 and 28.

Grades will be awarded based on class participation and an in-class final examination that will be based on the materials covered in class.

Spring 2016 - William B. Chandler

Advanced Law and Economics: Theory and Practice

LAWS 55401 - 01 (3) +, r, w, c/1

This course examines theoretical and empirical work in the economic analysis of law. It will cover, among other things, optimal tort rules, models of contract liability and remedies, optimal criminal rules, settlement and plea bargaining, and models of judicial behavior.

Students are required to be PhD students in the Economics Department, the Harris School or the Booth School, or law students.

Students should have the equivalent of an undergraduate economics degree or have taken Economic Analysis of the Law in the Law School.

The course will expect students to have Economics PhD-level math skills.

Students will be required to submit 3-4 short research proposals related to topics covered in class. These proposals are sketches of original research that, once developed, could yield publishable academic papers.

Spring 2016 - Anup Malani

Advanced Legal Research

LAWS 79802 - 01 (2 or 3) s, x, m, l

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

The seminar will be limited to twenty-five students with priority to third year students.

To receive credit for this seminar, students must complete research assignments (30 percent of grade), submit a research paper on a topic approved by the instructor (60 percent of grade), and attend and participate in course meetings (10 percent).

Students may earn either 2 or 3 credits for this seminar depending upon the number of assignments completed and the length of their final paper. A 20-25 page paper will be required for the 3-credit option for this course, along with 4 research assignments. For the 2-credit option for this course, students will write a 10-15 page paper and complete 2 research assignments.

Research assignments will count towards 30% of the final grade; the research paper 60%. Class participation counts for 10%. In the research paper, the student should extensively and comprehensively address sources for researching the topic, discuss successful and less useful techniques, and recommend research strategies.

Autumn 2015 - Todd Ito

Advanced Legal Research

LAWS 79802 - 01 (2 or 3) s, x, m

The purpose of this seminar is to enhance students' knowledge of legal sources and to develop their ability to research the law. The seminar will cover the basic categories of legal research in depth and with a focus on practical skills and efficiency, including statutes, administrative law, legislative history, cases, and

secondary sources. This seminar also will address a series of practice areas such as corporate and securities, tax, transactional, federal procedure, and intellectual property, focusing on the substantive resources and practical research skills for each. Upon successful completion of the seminar, students will expand their understanding of research resources in a variety of areas, will improve their skills in using legal research tools, and will develop extensive research knowledge in at least one area from their work on a final research paper.

The seminar will be limited to twenty-five students with priority to third year students.

To receive credit for this seminar, students must complete research assignments (30 percent of grade), submit a research paper on a topic approved by the instructor (60 percent of grade), and attend and participate in course meetings (10 percent). Students may earn either 2 or 3 credits for this seminar depending upon the number of assignments completed and the length of their final paper (minimum 20 pages for 3 credits; 10 pages for 2 credits).

In the research paper, the student should extensively and comprehensively address sources for researching the topic, discuss successful and less useful techniques, and recommend research strategies.

Winter 2016 - Sheri H. Lewis

Advanced Legal Writing

LAWS 79901 - 01 (2) +, w, s, x

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

Through exercises and group critiques, students will learn to write more succinctly and effectively. Better writers make better lawyers.

Regular attendance is essential.

The course concludes with an eight-hour take-home examination, which determines the student's grade.

Students must complete all assignments before the exam.

This course satisfies the Writing Project writing requirement.

Legal Research and Writing is a pre-requisite.

Spring 2016 - Elizabeth Duquette

Advanced Topics in Corporate Reorganizations

LAWS 43702 - 01 (2 or 3) +, x, m

This seminar will explore emerging issues in corporate reorganization. We are principally interested in the ever-present tension between bankruptcy law and

policy and the practical reality of managing a company's business in Chapter 11. The seminar will address four broad topics: (i) asset sales, (ii) post-petition financing, (iii) cross-border insolvency and (iv) plan confirmation. We will devote two seminar meetings to each topic. During the first, we will discuss case law and hypotheticals, academic and practice-oriented articles, and pleadings, briefs and orders from recent Chapter 11 cases. During the second meeting, we will invite a leading professional to join our seminar and discuss his or her perspectives on the topic that we are studying. Students will lead this discussion. If time permits, our group will join the professional for dinner after the seminar.

Grades will be based on class participation (40%) and four short papers (60%).

The papers are intended to prepare you to engage deeply in discussion with the invited professionals.

Each paper should not exceed six double-spaced pages, should analyze and raise questions about an aspect of a topic that we are studying, and should be submitted no later than noon on the day when we are hosting a professional. Although there is no pre- or co-requisite for this seminar, we recommend that you have taken or are currently taking a course in bankruptcy law.

The instructors are Judge Christopher Sontchi of the United States Bankruptcy Court for the District of Delaware and Douglas Baird.

Students wishing to take the seminar for three credits must write an additional 10-12 page research paper.

Spring 2016 - Douglas G. Baird; Christopher S. Sontchi

Advanced Topics in Moral, Political, and Legal Philosophy

LAWS 78603 - 01 (3) r, w, c/l, x, m

The topic for Winter 2016 is "Etiological/Genealogical Critiques of Concepts, Beliefs and Values."

If you had been brought up in a different family, or a different culture, your religious and moral beliefs would likely have been very different than they are—perhaps even your beliefs about the world around you. Should this fact bother us? Should the origin of our beliefs and values make us skeptical about them, or should it lead us to revise them? Historians and social scientists, from Marvis Harris to Ian Morris, have regularly proffered etiological/explanatory accounts and think they have debunking implications; recently, a number of Anglophone philosophers have begun to address variations on this question, including G.A. Cohen, George Sher, Sharon Street, and Roger White, among others. But interest in the etiology (or genealogy) of beliefs and values, and its significance, long predates these 20th-century writers. We will also give extended consideration to at least Herder, Hegel, Marx and Nietzsche—time permitting, perhaps some others.

Winter 2016 - Brian Leiter; Michael N. Forster

Advanced Trademarks and Unfair Competition

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

This seminar addresses current issues in trademark law and their evolution since the latter half of the 19th century, such as trademark law's constitutional foundations; competing justifications of trademark rights (incentivizing manufacturers while lowering consumer search costs, fostering commercial morality, protecting property rights, vindicating speech interests, and so on); the reciprocal development of trademark doctrine and commercial practice; the interplay of trademark and First Amendment law; statutory and judicial limitations on trademark rights and those limitations' normative underpinnings; counterfeiting, contributory infringement, and the online marketplace; and the peculiar role (especially in light of other nations' practices) of federal registrations in the acquisition and maintenance of U.S. trademark rights.

Enrollment is limited to twenty-five students. Previous or concurrent coursework or professional experience in intellectual property is recommended but not required.

A student's grade is based on class participation and either a series of short thought papers for two credits, or a series of longer research papers totaling at least 20 pages, or a major research paper, both for three credits.

Winter 2016 - Chad J. Doellinger; Uli Widmaier

Alternative Dispute Resolution

LAWS 58402 - 01 (2 or 3) s, x, u, l

This is a class in the dispute resolution methods that attorneys often use in the practice of law. The class provides experiential simulations in negotiation, mediation, and arbitration. The class differs from most other law classes in the following ways: 1. Many classes teach a substantive body of law; this class, in contrast, is designed to teach a variety of lawyering skills. 2. In most classes, students participate strictly as individuals; in contrast, students in this class often interact in small group settings and simulations, and therefore, must listen to and cooperate with peers while working through their disagreements. 3. Many classes measure student performance once, at the end of the semester, through an issue-spotting exam; in contrast, this class requires brief reflection papers that are based on a combination of readings, group activities, and simulated exercises. 4. Most classes involve little or no role playing; in contrast, this class gives students the experience of being a negotiator, trial advocate, arbitrator, mediator, victim/complainant and defendant/respondent in an adversarial proceeding. The instructor will base simulations on cases from his private arbitration practice. Students will be required to sign and abide by a confidentiality agreement with respect to these sensitive materials.

Spring 2016 - Michael H. LeRoy

Amartya Sen

LAWS 78604 - 01 (3) +, r, c/l, m

Amartya Sen is, of course, a distinguished economist, winner of the 1998 Nobel Prize. But he is also a philosopher whose philosophical thought informs his economic writings and who has long defended the importance of philosophy for economic thought. This seminar will study the philosophical aspects of his thought, not attempting to separate them from his economic contributions, which would be wrong, but attempting to focus on the specific contributions Sen has been able to make to economics in virtue of being a philosopher. We will begin by studying two distinct though related strands of his thought: work on choice, welfare, and measurement, and work on development. We continue with his influential critique of Utilitarianism on the nature of preference and value, and the importance of equality. We will then devote substantial time to The Idea of Justice, a major contribution to political philosophy. Finally, we will examine more recent writings on Indian rationalist philosophy and on religious identity.

Admission by permission of the instructor. Permission must be sought in writing by September 15.

Prerequisite: An undergraduate major in philosophy or some equivalent solid philosophy preparation.

This is a 500 level course.

Ph.D. students in Philosophy and Political Theory may enroll without permission. I am eager to have some Economics graduate students in the class, and will discuss the philosophy prerequisite in a flexible way with such students.

Autumn 2015 - Martha C. Nussbaum

American Law and the Rhetoric of Race

LAWS 49801 - 01 (3) c/l

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.

Undergraduate students registering in LLSO, PLSC, HIST cross-listed offerings must request faculty consent prior to registration. Law students do NOT need consent.

Grades are based on class participation and a final examination.

Spring 2016 - Dennis J. Hutchinson

American Legal History: The Twentieth Century

LAWS 97603 - 01 (3) e, x

This course examines major legal and constitutional conflicts in twentieth century American history. Topics include law and social movements, the role of the courts, rights consciousness, the legal profession, and legal thought. Students will connect

legal texts and legal struggles to broader developments in social, cultural, and political history.

Grading is based on class participation and a final examination.

Spring 2016 - Laura Weinrib

Animal Law

LAWS 46022 - 01 (3) w, x, m, l

This seminar will explore the treatment of animals in the law. We will cover several areas of the law as they intersect with animal rights and animal welfare issues, including first amendment/constitutional law, criminal law, administrative law, torts, contracts, and consumer protection law. Topics will include: factory farming practices; religious exemptions to animal protection laws; standing and other challenges to litigating on behalf of animals; and evolving theories of economic valuation of animals.

Conducted in a discussion format centered around weekly reading assignments, the course will allow students to explore the latest cases, legislation, and legal theories developing in animal law.

All perspectives are both welcome and open to critique.

Students will be asked to form teams and lead the discussion for a selected week's readings, and to submit a final research paper.

Autumn 2015 - Roshna B. Keen; Vincenzo Field

Anthropology and Law

LAWS 93812 - 01 (3) r, w, x, m

This seminar for law students and graduate students in the social sciences will provide an introduction to the field of legal anthropology. We will address anthropological theories of the nature of law and disputes, examine related studies of legal structures in non-Western cultures, and consider the uses of anthropology in studying facets of our own legal system. By examining individual legal institutions in the context of their particular cultural settings, we can begin to make cross-cultural comparisons and contrasts. In so doing, we confront the challenge of interpreting and understanding the legal rules and institutions of other cultures while assessing the impact of our own social norms and biases on the analysis. Thus, our analytic and interpretative approach will require us to examine the cultural assumptions that underpin various aspects of our own belief systems and the American legal system.

Requirements for this seminar course include preparation of a research paper and thoughtful class participation.

Writing for this seminar may be used as partial fulfillment of the J.D. writing requirement (SRP or WP).

Winter 2016 - Christopher C. Fennell

Antitrust Law

LAWS 42801 - 01 (3) x, c/1

This course covers the fundamentals of U.S. antitrust law (or competition law) as well as the underlying legal and economic theory. Topics covered include: (i) horizontal restraints of trade among competitors such as cartels, oligopolies, joint ventures, and other cooperative activities; (ii) monopoly and dominant firm conduct such as predatory pricing, discount bundling, refusals to deal with competitors, and exclusionary contracts; (iii) vertical restraints of trade between firms and their suppliers or customers such as exclusive dealing, tying arrangements, resale price maintenance, and territorial and customer restrictions; and (iv) mergers.

Autumn 2015 - Prasad Krishnamurthy

Antitrust Law

LAWS 42801 - 01 (3) x

This course provides an introduction to the law of antitrust. The course focuses on the practices by which competing firms eliminate, or are alleged to eliminate, competition among themselves. The practices considered include formal cartels, price-fixing conspiracies, conscious parallelism, trade association activities, resale price maintenance, and mergers to monopoly and other types of horizontal merger. The course also looks at the practices by which firms, either singly or in combination, exclude actual or potential competitors from their markets, by means of practices such as boycotts, predatory pricing, tying arrangements, vertical integration, and price discrimination under the Robinson-Patman Act. Both price and non-price vertical restrictions are considered.

The grade is based on a final in-class examination.

Winter 2016 - Randal C. Picker

Antitrust Litigation Seminar

LAWS 91403 - 01 (2) +, x, m, l

The seminar will cover the evolution of antitrust law, with a particular focus on cases involving mergers, monopoly, unreasonable agreements, cartels, and the intersection of antitrust law with patent settlements. We will also review the Horizontal Merger Guidelines of the FTC and the DOJ and will try to understand their impact on litigated cases of all kinds, especially with respect to issues related to market definition.

For each area of antitrust law, we will discuss how the law developed and study litigation strategies in at least one recent, relevant case. I will provide excerpts from testimony, evidence, and/or lower court or agency rulings. As part of the classroom work, we will learn how to use exhibits and demonstratives to argue an antitrust case. Students will have a hands-on experience in using trial exhibit technology and will discuss how it can help an antitrust presentation at trial or on appeal.

Why spend time with the early phases of these cases? By the time an appellate court renders an opinion in a case, the issues often look very simple and one-sided, but they are not. After you graduate from the Law School, almost every case that you will see will never make it through litigation or find its way to a decision by a Court of Appeals or the Supreme Court. To gain a complete understanding of antitrust law, you will need to understand how cases evolve at the early stage and what the contested issues are.

This seminar will serve students with diverse interests and plans for their legal careers: it should be as valuable to the general business lawyer as to the litigator. I do not assume advanced skill or training in economics, nor is knowledge of complex mathematical or economic tools required. The basic Antitrust Law course is helpful but not required to take the seminar.

A three-hour take home examination, along with participation and performance in class exercises, will determine your grade.

Winter 2016 - J. R. Robertson

Arbitration in the United States

LAWS 96404 - 01 (3) w, x, m, l

This seminar focuses on arbitration in the U.S. as a means of resolving both domestic and international commercial disputes. The seminar will explore the advantages and disadvantages of arbitration as compared to both mediation and litigation in the courts. The seminar will also address (among other topics) the nature and scope of arbitral jurisdiction; the nature of the arbitral process; the scope of discovery in domestic and international arbitrations; techniques of effective advocacy in arbitral hearings; the enforcement of domestic and international arbitral awards; and judicial review of arbitral proceedings. A major focus of the seminar will be a series of recent Supreme Court decisions in which the Court has limited the scope of judicial review of arbitral awards and clarified the ways in which arbitral agreements can limit liability (for example, by barring class actions). Finally, the seminar will examine international arbitration in the United States, including the U.S. enforcement of international awards and the conduct in the U.S. of arbitral proceedings involving foreign governments and private parties ("Investor-State" arbitrations).

Winter 2016 - James R. Ferguson

Bankruptcy and Reorganization: The Federal Bankruptcy Code

LAWS 73601 - 01 (3) x

This course studies the Federal Bankruptcy Code and the law of corporate reorganization. Topics include the rights of creditors in bankruptcy, 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.

There are no prerequisites for this course.

Winter 2016 - Douglas G. Baird

Bankruptcy and Reorganization: The Federal Bankruptcy Code

LAWS 73601 - 01 (3) x

This course studies the Federal Bankruptcy Code and the law of corporate reorganization. Topics include the rights of creditors in bankruptcy, 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.

There are no prerequisites for this course.

Spring 2016 - Anthony J. Casey

Brief-writing and Appellate Advocacy Seminar

LAWS 79905 - 01 (3) w, s, x, m, l

This seminar will be devoted to the art of brief-writing and appellate advocacy.

Topics will include how to select the best arguments, how to choose a theme and structure the facts and the argument, and how to write the brief in a way that it is clear, concise and persuasive on the first read.

Grades will be based on two papers -- an opening brief and a reply.

Spring 2016 - Michele L. Odorizzi

Business of Law

LAWS 61602 - 01 (2) x, m, l

This seminar will focus our students' critical reasoning skills on their own chosen profession through an in-depth and interdisciplinary examination of the business of law. We will analyze the business, how it is changing, and professional development issues that all new lawyers should expect to arise over their long and varied careers. Classes will include guests with expertise in law firm management, client relationship skills, industry trends, and lawyer career development to prompt a robust and candid dialogue from a variety of perspectives. Reading materials will include selected articles, excerpts, and David H. Maister's influential *Managing the Professional Services Firm*.

Grades will be based on short reaction papers.

Winter 2016 - Bruce W. Melton

Business Organizations

LAWS 42301 - 01 (3) x

This course surveys the legal rules governing corporations with an emphasis on the protection of shareholders against management and controlling shareholders.

Topics include asset partitioning, fiduciary duties, derivative suits, executive compensation, shareholder voting, M&A, insider trading, fraudulent conveyance,

and choice of law. One quarter of the course will be based on problems drawn from transactional settings. The course emphasizes financial and strategic considerations throughout.

In addition to the final exam, there will be several pass/fail quizzes throughout the semester.

Materials: <https://h2o.law.harvard.edu/playlists/1923> and transactional problems distributed in class.

Autumn 2015 - Holger Spamann

Business Organizations

LAWS 42301 - 01 (3) x

This is an introductory course on the law of business organizations. While we will focus primarily on corporations, we will also cover agency and partnership to examine similarities and differences in organizational law. Specific topics will include fiduciary law, shareholder voting, executive compensation, derivative suits, control transactions, mergers and acquisitions, and corporate governance. Special emphasis throughout the course will be given to the functional analysis of legal rules and the law and economics method.

The student's grade will be based on a final in-class examination.

Winter 2016 - Simone Sepe

Business Organizations

LAWS 42301 - 01 (3) x

This is an introductory course on the law of business organizations. We will focus primarily on the law of corporations and limited liability companies. The course will cover the duties of managers and directors to the business and its stakeholders. Issues of control, litigation procedure, and mergers and acquisitions will be covered.

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

Spring 2016 - Anthony J. Casey

Business Planning

LAWS 62802 - 01 (2 or 3) +, x, m, l

This seminar develops and applies the student's knowledge of taxation and corporate and securities law in the solution of a series of transactional problems involving typical steps in business formation and rearrangement. The problems include the formation of a closely held company; the transition to public ownership of the corporation; executive compensation arrangements; the purchase and sale of a business; and mergers, tender offers, and other types of combination transactions. Small-group discussions and lectures are employed.

The student must have taken (or be taking concurrently) Corporation

Law/Business Association I and Taxation of Corporations I or receive instructor approval.

The student's grade is based on a final examination; students may earn an additional credit by writing a paper on a topic approved by the instructors.
Winter 2016 - Keith S. Crow; Keith Villmow

Business Strategy

LAWS 91524 - 01 (3) x

This course applies tools from microeconomics, game theory, industrial organization, and theory of the firm to analyze decisions facing firms in a competitive environment. The specific focus is on strategic decisions where each firm's profits depend critically on the actions chosen by its competitors. Classes combine case analysis and discussions with lectures. Topics include pricing, positioning, strategic commitment, firm structure, and entry and exit.
Autumn 2015 - Emir Kamenica

Buyouts

LAWS 42602 - 01 (3) w, x, m, l

In this seminar we will examine conflicts of interest in mergers and acquisitions, and especially in going private transactions in which publicly held companies are acquired by affiliates of private equity firms with the participation of the company's management or by controlling shareholders. Both types of transactions raise conflict of interest issues because some of the company's directors or officers, who are charged with protecting the public shareholders, may be accused of having interests adverse to those of the public shareholders. We will examine the methods that Delaware law has provided for dealing with these conflicts of interest and whether those methods are likely to be effective. We will also look at a variety of other issues raised by going private transactions, including why they occur, whether they are likely to be beneficial to shareholders in spite of the existence of conflicts of interest, the consequences to society of these transactions and certain conflict and other issues that can arise in transactions even if they are neither management nor controlling shareholder buyouts. Finally, we will examine the role of the lawyers and financial advisors who are involved in these transactions. Grades will be based on a paper and class participation. Some of the topics in this seminar will also be covered in Mergers and Acquisitions, but that course is not a prerequisite for this seminar and students may take both classes.

Grades will be based on a paper and on class participation.

Spring 2016 - Scott Davis

Canonical Ideas in American Legal Thought

LAWS 57013 - 01 (3) +, a, w, m

This year-long research seminar is the equivalent of a research colloquium in a PhD program. During the Autumn quarter, students will read, discuss, and critique

some of the most influential law review articles from the twentieth century, as well as newer papers that extend and apply those canonical ideas to modern legal problems. The readings will consist of a healthy mix of public law and private law, and various scholarly methodologies.

During the Autumn quarter, students will write short research papers on the readings. Students will also work with faculty to identify a topic for a substantial research paper.

During the Winter quarter, the seminar will not meet in formal sessions, but each student will work on his or her research paper and will meet individually with the instructors to assess the paper's progress.

During the Spring quarter, the seminar will reconvene, and students will workshop their drafts (i.e., each student will circulate his or her draft in advance and answer questions from students and faculty).

Students will receive an Autumn quarter grade based on the reaction papers, discussion facilitation, and class participation.

Students will receive a separate grade for the Winter and Spring quarters based on the quality of their research papers and class participation.

Every student must enroll for the entire year; students may not drop the class after the Autumn quarter.

Students may only enroll with the permission of the instructors. Students interested in enrolling should email Professors Malani and Masur a resume and a one-paragraph statement explaining why they would like to enroll in the seminar no later than August 29, 2015.

Autumn 2015 - Anup Malani; Jonathan Masur

Canonical Ideas in American Legal Thought

LAWS 57013 - 01 (2, 2) a, r, w, m

This year-long research seminar is the equivalent of a research colloquium in a PhD program. During the Autumn quarter, students will read, discuss, and critique some of the most influential law review articles from the twentieth century, as well as newer papers that extend and apply those canonical ideas to modern legal problems. The readings will consist of a healthy mix of public law and private law, and various scholarly methodologies.

During the Autumn quarter, students will write short research papers on the readings. Students will also work with faculty to identify a topic for a substantial research paper.

During the Winter quarter, the seminar will not meet in formal sessions, but each student will work on his or her research paper and will meet individually with the instructors to assess the paper's progress.

During the Spring quarter, the seminar will reconvene, and students will workshop their drafts (i.e., each student will circulate his or her draft in advance and answer questions from students and faculty).

Students will receive an Autumn quarter grade based on the reaction papers, discussion facilitation, and class participation.

Students will receive a separate grade for the Winter and Spring quarters based on the quality of their research papers and class participation.

Every student must enroll for the entire year; students may not drop the class after the Autumn quarter.

Students may only enroll with the permission of the instructors. Students interested in enrolling should email Professors Malani and Masur a resume and a one-paragraph statement explaining why they would like to enroll in the seminar no later than August 19, 2015.

Winter 2016, Spring 2016 - Anup Malani; Jonathan Masur

Child Exploitation and Human Trafficking

LAWS 47103 - 01 (3) w, x, m, l

This seminar provides a comprehensive, practical introduction to the history and present-day reality of child sexual exploitation, as well as to the interconnected web of domestic and transnational federal laws and law enforcement efforts launched in response to this global challenge. The seminar will use a text written by the professor and a colleague who have the distinctive perspective of two individuals who have spent their careers in the trenches investigating, prosecuting, and adjudicating these intricate and commonly emotional cases. The seminar will offer open debate about child sexual abuse by stripping it of its unhelpful, constricted definitions, and by candidly discussing the state of the law, the criminal justice process, and the treatment of offenders and victims. The seminar examines today's system of federal anti-exploitation laws; the connection between modern communications technologies, such as the Internet, and the rise in U.S. and foreign child exploitation; the unique challenges posed by transnational investigations; organized crime's increasing domination over the commercial sexual exploitation of children; the current state of the U.S. government's transnational anti-trafficking efforts; the myriad international legal instruments designed to enhance transnational enforcement efforts; how, during investigations and trials, to avoid re-injuring the child-victims; the hallmarks of an effective trial strategy; the most promising investigative and trial avenues for the defense; and, what contemporary research tells us about charging and sentencing-related issues, including victimization and recidivism rates.

Taught by federal district court judge, Hon. Virginia M. Kendall.

Winter 2016 - Virginia M. Kendall

Civil Rights Clinic: Police Accountability

LAWS 90913 - 01 (1, 2, or 3 per quarter, 9 maximum) +, a, s

The Civil Rights and Police Accountability Project (PAP) is one of the nation's leading law civil rights clinics focusing on issues of criminal justice. Through the lens of live-client work, students examine how and where litigation fits into

broader efforts to improve police accountability and ultimately the criminal justice system.

Students provide legal services to indigent victims of police abuse in federal and state courts. They litigate civil rights cases at each level of the court system from trial through appeals. Some students also represent children and adults in related juvenile or criminal defense matters.

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

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

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

Autumn 2015, Winter 2016, Spring 2016 - Craig B. Futterman

Class Action Controversies

LAWS 93602 - 01 (2 or 3) w, x, m, l

The purpose of this seminar is to discuss and understand the rules applicable to class action litigation, the major doctrinal and policy issues that influence class action litigation, and the strategic, ethical, and practical considerations class counsel and litigants face in class action litigation. We will address class certification, notice, settlements, attorneys fees, collateral attack of class judgments, and due process considerations in class cases.

There is no case book. Instead, each week I will assign cases and other materials for you to read and for us to discuss.

Autumn 2015 - Michael T. Brody

Collective Bargaining in Sports and Entertainment

LAWS 63903 - 01 (2) s, x, m, l

This seminar examines collective bargaining in the contexts of professional sports and entertainment. The Sherman Act and Clayton Act are studied in light of antitrust exemptions that apply to monopolistic employment arrangements such as

the reserve system (its opposite is called free agency), the draft and exclusive rights for a player, eligibility restrictions for star amateurs, and other anticompetitive practices in music, theater, movie, TV, and sports settings. The seminar explores how unions have evolved as potent employee responses to highly restrictive employment practices. Class readings examine powerful weapons under the National Labor Relations Act that unions may use to counteract employer cartels in theater, movies, baseball, football, basketball, hockey, and related industries. These weapons include full and partial and intermittent strikes, as well as strike threats. The seminar examines how these bargaining tactics enable rank-and-file employees, and star performers, to share in the wealth that they generate in combination with capital investments made by employers.

The seminar emphasizes writing.

Students are assigned weekly question sets, and are expected to submit a course paper based on the accumulation of these exercises.

Autumn 2015 - Michael H. LeRoy

Commercial Transactions - Negotiation, Drafting, and Analysis

LAWS 48604 - 01 (3) s, x, u, l

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

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

Spring 2016 - Seth McNary

Comparative Legal Institutions

LAWS 50101 - 01 (3) r, w, e, x, c/l

This course is designed to examine a range of legal institutions from a comparative and interdisciplinary perspective. It is not a traditional course in comparative law, in that it focuses not so much on particular rules of substantive law but on the structure of different legal systems and the consequences of those structural differences for law and society. In particular, we will focus on the economic impact of legal traditions. Readings will be drawn from legal and social science literature, including works from anthropology, economics, political science and sociology.

The course will explicitly cover non-Western legal traditions to an extent not found in conventional comparative law courses. Furthermore, American institutions are explicitly included in the comparison: this is not simply a course in foreign law.

Spring 2016 - Thomas Ginsburg

Complex Financial Institutions -- the conundrum of "too big to fail?"

LAWS 94813 - 01 (3) x, m, l

This seminar will examine how events during the financial crisis ignited the debate about whether global systemically important financial institutions are "too big to fail"; how current and proposed regulations in the US and EU have sought to address these issues; and what is the implications for the economy and capital formation from having different approaches.

Spring 2016 - Barry L. Zubrow

Compliance and Regulatory Strategy

LAWS 94814 - 01 (2) x, u, l

Since the financial crisis of 2008, regulators and prosecutors around the world increasingly expect companies to have state of the art governance, risk and compliance programs as a condition for remaining in business and for avoiding liabilities for regulatory missteps. Increasingly, regulatory rules are becoming more complex and authorities are becoming more unforgiving, with stepped up efforts to secure criminal and civil penalties against companies, their executives, lawyers and auditors. For companies, such liability can at best result in plummeting share prices, and at worst the shutting down of an enterprise. For individuals, they can result in incarceration, fines, penalties and removal from the business.

This class will explore the regulatory and legal foundations for compliance programs primarily through the lens of the financial services sector, which includes banks, brokerage firms, investment companies and investment advisers. We will also explore how the design and execution of these programs can avoid or limit potential liabilities from regulatory and criminal authorities. Taking the perspective of a corporate executive, board member or counsel, students will develop the ability to understand the fundamentals of regulatory regimes overseeing these businesses, as well as strategies for successfully engaging the regulators. Using a mix of simulation and class discussion of particular problems, students will consider the steps a firm should take to mitigate regulatory and reputation risk, including the importance of an effective corporate ethics program, as well as how, in the process, a firm can enhance its brand, meet the expectations of its board of directors and create value for its shareholders.

The grade is based on a series of short reaction papers, attendance and class participation.

Spring 2016 - Charles V. Senatore

Computer Crime

LAWS 68402 - 01 (2 or 3) x, m, l

This seminar will explore the legal issues raised by computer crime. Topics will include: computer hacking and other computer crimes, the Fourth Amendment and civil liberties in cyberspace, the law of electronic surveillance, the freedom of

speech online, technological tools used to combat cybercrime, and international cybercrime.

No previous experience is required. Our primary source will be a casebook: Orin Kerr, *Computer Crime Law* (3rd ed. 2012), which will be supplemented with additional materials as listed in the syllabus.

Students are required to participate in class sessions, prepare short response papers, and write a paper on an approved topic.

Students may opt to write a major research paper for three credits.

Winter 2016 - William Ridgway

Constitutional Law for LL.M. Students

LAWS 40801 - 01 (3) x

This course is designed to introduce LL.M. students to U.S. constitutional law.

Topics to be covered include the theory and practice of judicial review, the allocation of powers among the legislative, executive, and judicial branches, and the role of and interactions between the states and the federal government in the federal structure. In addition, the course will also cover key doctrines in selected areas to help students prepare to take the New York Bar.

Spring 2016 - Gerald N. Rosenberg

Constitutional Law I: Governmental Structure

LAWS 40101 - 01 (3) x

This course provides an introduction to the U.S. Constitution. We will cover the traditional topics in separation of powers and federalism, including Congress's enumerated powers, the scope of executive power, judicial review, and so on. In the course of covering those substantive topics, we will sometimes explore the Constitution's meaning outside of judicial doctrine, asking how it should be interpreted by different people and institutions.

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

Autumn 2015 - William P. Baude

Constitutional Law I: Governmental Structure

LAWS 40101 - 01 (3) x

This course provides an introduction to the United States Constitution. Topics to be covered include constitutional interpretation; the function of judicial review; the role of the states and the federal government in the federal structure; and the allocation of powers among the legislative, executive, and judicial branches.

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

Winter 2016 - Alison LaCroix

Constitutional Law II: Freedom of Speech

LAWS 40201 - 01 (3) +, x

This course explores 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, protest in public places, regulation of campaign finance, and selective government subsidies of speech.

Students who have completed Constitutional Law IV are ineligible to enroll in this course.

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

Autumn 2015 - Genevieve Lakier

Constitutional Law II: Freedom of Speech

LAWS 40201 - 01 (3) +, x

This course explores 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, protest in public places, regulation of campaign finance, and selective government subsidies of speech.

Students who have completed Constitutional Law IV are ineligible to enroll in this course.

The grade is based on a final in-class examination.

Winter 2016 - Geoffrey R. Stone

Constitutional Law III: Equal Protection and Substantive Due Process

LAWS 40301 - 01 (3) x

This course considers the history, theory, and contemporary law of the post-Civil War Amendments to the Constitution, particularly the Equal Protection and Due Process Clauses of the Fourteenth Amendment. The central subjects are the constitutional law governing discrimination on the basis of race, gender, sexual orientation, and other characteristics, and the recognition of certain fundamental rights. Throughout, students consider foundational questions, including the role of courts in a democracy and the question of how the Constitution should be interpreted.

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

Autumn 2015 - David A. Strauss

Constitutional Law III: Equal Protection and Substantive Due Process

LAWS 40301 - 01 (3) x

This course considers the history, theory, and contemporary law of the post-Civil War Amendments to the Constitution, particularly the Equal Protection and Due Process Clauses of the Fourteenth Amendment. The central subjects are the constitutional law governing discrimination on the basis of race, gender, and other

characteristics, and the recognition of individual rights not explicitly enumerated in the Constitution. Throughout, students consider certain foundational questions, including the role of courts in a democracy and the question of how the Constitution should be interpreted.

Spring 2016 - Nicholas Stephanopoulos

Constitutional Law V: Freedom of Religion

LAWS 40501 - 01 (3) +

This course explores religious freedom in America, especially under the first amendment.

It is recommended that students first take Constitutional Law I.

Students who have completed Constitutional Law IV are ineligible to enroll in this course.

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

Paper writers require permission of the instructor; ADDITIONAL explicit instructor consent required for paper to be considered for SRP certification.

Spring 2016 - Mary Anne Case

Constitutional Law VII: Parent, Child, and State

LAWS 47101 - 01 (3) c/1

This course examines the constitutional 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; parental identity rights including rights associated with paternity claims, termination proceedings, assisted reproduction, and adoption; the scope of the state's authority to intervene to prevent abuse and neglect; and the role of race and culture in defining the family.

The student's grade is based on a take-home examination.

Can be taken with Family Law (LAWS 45001) with permission of the instructor.

Spring 2016 - Emily Buss

Construction Law

LAWS 44032 - 01 (3) +, w

Construction contracts are among the more complex types of legal arrangements, involving multiple actors (governments/regulatory agencies, developers/owners, purchasers or off-takers, contractors, subcontractors, equipment suppliers, sureties, insurers and financing parties) and multiple areas of the law (contracts; torts; real and personal property; insurance; employment, safety and environmental rules; complex forms of dispute resolution). The course will provide an introduction to the legal aspects of the construction process, including the relationships between and the risk allocations among the members of the construction team, as well as the resolution of disputes which arise out of the design and construction of heavy

industrial and commercial projects. As one example of heavy construction, we will study one or more models of Engineering, Procurement and Construction (EPC) Contracts for electric power generation plants, and look at the effects of project financing and the "bankability" requirements for such project contracts.

Prerequisites: Contracts and Torts.

Autumn 2015 - Thomas J. Vega-Byrnes

Contract Drafting and Review

LAWS 79912 - 01 (3) s, x, m

This seminar will serve as an introduction to contracting drafting and how such drafting differs from other types of legal writing. We will start with the basic "anatomy of a contract," discussing the meaning, use and effect of various provisions. The seminar will address not only legal drafting issues, but also how to understand a client's practical business needs in order to effectively use the contract as a planning and problem solving tool. Students will draft and review specific contract provisions, and will learn how to read, review and analyze contracts with an eye toward both legal and business risk issues.

Grades will be based upon class participation, a series of substantial out-of-class weekly drafting exercises, and a final take-home assignment.

Autumn 2015 - Joan E. Neal

Contract Drafting and Review

LAWS 79912 - 01 (3) s, x, m

This seminar will serve as an introduction to contracting drafting and how such drafting differs from other types of legal writing. We will start with the basic "anatomy of a contract," discussing the meaning, use and effect of various provisions. The seminar will address not only legal drafting issues, but also how to understand a client's practical business needs in order to effectively use the contract as a planning and problem solving tool. Students will draft and review specific contract provisions, and will learn how to read, review and analyze contracts with an eye toward both legal and business risk issues.

Grades will be based upon class participation, a series of substantial out-of-class weekly drafting exercises, and a final take-home assignment.

Winter 2016 - Joan E. Neal

Contract Law for LL.M. Students

LAWS 48605 - 01 (3) +

This course in contracts is designed for LL.M. students in lieu of attending a regular 1L course. It will cover both common law and statutory law and focus on both case analysis and application to real world problems. Special attention will be paid to negotiation strategies and the application of the law to firms outsourcing decisions and contracts. The class will culminate in the drafting of a commercial agreement.

The class assumes no knowledge of contract law in the U.S., but that the student has taken a contracts class in another jurisdiction (a general civil law class meets this requirement).

Bring your practice experience with you, we can learn from one another!

Winter 2016 - Lisa Bernstein

Copyright

LAWS 45801 - 01 (3) x

This course explores the major areas of copyright law, with special emphasis on how law has responded to new technologies and political pressures. 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 2015 - Saul Levmore

Corporate and Entrepreneurial Finance

LAWS 42603 - 01 (3) +, x

This course uses the case method to study the practical aspects of important topics in corporate and entrepreneurial finance. We will apply the concepts and techniques of corporate finance to actual situations. The course is roughly divided into three sections: (1) financing decisions; (2) investment decisions; (3) entrepreneurial finance; and (4) private equity finance.

In addition to analyzing the specific financing problems or issues, we will consider how those issues relate to the strategic objectives of the firm. It will be important to examine the "big picture" assumptions that are used in the numerical calculations. This course also places a strong emphasis on presentation and discussion skills. It will be important to explain your positions or arguments to each other and to try to argue for the implementation of your recommendations.

COURSE PROCEDURES

For each class meeting, I will assign study questions concerning one or two case studies. For most of the class period, we will consider the questions and the material in the cases. This includes the first meeting. You are allowed and encouraged, but not required to meet in groups outside of class to discuss and analyze the cases.

Each group will submit a two-page memorandum of analysis and recommendations at the beginning of each case discussion. If you are working in a group, I will accept one memorandum from the group and count it for all students in the group. If you choose to do this, the group can include up to 3 students. Each memorandum should be typed and double-spaced. Write these as if you were writing a recommendation to the CEO or major decision maker in the case. The two page limit is for text only. You may attach as many numerical calculations as you wish. Memoranda will not be accepted after the class has met. A memorandum will

be given credit if it is handed in and no credit if it is not. Initially, therefore, I will not grade them. However, I will use the memoranda to determine final grades for those students who are on the border of two grades.

You should prepare a memorandum for UST, the first class.

The readings and articles that I have assigned and will hand out are largely non-technical in nature and summarize the findings of academic research in corporate finance in the recent past. These articles are meant to be background material that will help you analyze the cases. They should not necessarily be cited in the case discussion. You should argue as if you were in a corporate boardroom rather than in a doctoral seminar. The process of arriving at the answer is as important as getting the answer.

Because of the nature of this course (and its grading criteria), it is extremely important that you attend every class, arrive on time and be prepared to participate. To help me out, you should bring your name cards to each class. I may not remember who said what without those cards.

In the past, students have asked me to hand out my case analysis after the class has discussed the case. I will not do this, because there are usually no absolute right answers. The best cases are deliberately written to be ambiguous. While there are no right answers, there are good arguments and bad arguments. This course is designed to help you learn to distinguish between sensible and senseless arguments. Handing out my analyses would reduce the ambiguity in the cases and partially defeat the purpose of doing cases. If you are uncomfortable with ambiguity, this class may not be for you.

GRADING

Grading will be based on class participation, the short memoranda and a final examination.

Class participation will count for 40% of the final grade. I will judge your performance based both on the quality and the quantity of your comments. Because so much of the learning in this course occurs in the classroom, it is very important that you attend every class.

The memoranda will count for 10% of the final grade.

The final examination will count for 50% of the final grade. The final examination will be an individual take home case analysis. You will have approximately one week to work on the case.

PREREQUISITE

Students should have an understanding of financial statements. I.e., students should be able to read an income statement, cash flow statement and balance sheet. Spring 2016 - Steven N. Kaplan

Corporate Criminal Prosecutions and Investigations

LAWS 66702 - 01 (3) w, x, m, l

The criminal investigation and prosecution of large-scale corporate fraud and corruption are among the hottest areas of focus for prosecutors and the criminal

defense bar. This seminar is designed for students interested in learning about the various aspects of uncovering, investigating, defending, prosecuting, and resolving corporate criminal matters, including those arising under the Foreign Corrupt Practices Act. The seminar will address legal and practical issues and concerns from the perspective of the prosecutor, the defense attorney, and in-house counsel. Among other topics, students will learn about: (i) foundational principles of corporate criminal liability; (ii) the whistleblower frameworks under the Dodd-Frank Act and Sarbanes-Oxley Act; (iii) conducting internal investigations as well as government investigative techniques and tools; (iv) strategic considerations for the prosecutor and defense lawyer in white collar criminal investigations; (v) prosecutorial and SEC charging policies, including creating incentives to encourage voluntary disclosure and cooperation; (vi) pre-trial diversion, including deferred and non-prosecution agreements; (vii) compliance monitors and the monitorship process; (viii) the Foreign Corrupt Practices Act; and (ix) proposals for corporate criminal reform. The seminar will introduce students to this multi-faceted area of the law, and expose students to real-world considerations involved in advising corporate clients and their officers, directors, and employees.

This is a three-credit class.

The student's grade will be based on a major paper (20-25 pages) and class participation.

Papers are eligible to satisfy the writing project (WP) requirement and will be due four weeks after final exams for the Winter quarter.

Winter 2016 - Andrew S. Boutros

Corporate Finance

LAWS 42501 - 01 (3) x

This course provides an overview of the application to law of the basic principles of corporate finance and financial economics. Topics include the concept of discounting and present value, portfolio theory and diversification, the theory of efficient capital markets and its applications in securities litigation, corporate capital structure and bond covenants, and the analysis of options and other derivative instruments.

The principles and concepts of corporate finance are essential to understanding modern corporate transactions. Increasingly, lawyers must understand these principles in order to structure transactions in ways that achieve particular business objectives. The concepts in this class are also of great value to lawyers outside the corporate area: financial principles can be fruitfully applied to a wide variety of legal questions, ranging from estate planning to the calculation of tort awards.

This class assumes no background in finance, and is aimed primarily at students with little or no prior exposure to the field (rather than those with an MBA or with

an undergraduate finance major).

It does not use any mathematics beyond basic arithmetic and some simple algebra.
Autumn 2015 - Dhammika Dharmapala

Corporate Governance

LAWS 75001 - 01 (2 or 3) +, w, x, m, l

Through the production of goods and services, innovation, employment and occasional misbehavior, publicly-held corporations in the U.S. exert an enormous impact on the lives of individuals and the economy in general. How (and how well) corporations are governed greatly influences what that impact will be. Since the early 1990s, there has been a significant increase in the attention given to corporate governance by investors, lawyers, academicians, politicians and the press. This seminar will provide students with a deep understanding of applicable legal, regulatory and market influences on corporate governance, an appreciation for the historical development of the current system of governance and insights into current "hot" issues and the continuing evolution of governance. We will discuss critical issues such as for whose benefit is a corporation to be governed and what is the proper balance of decision-making authority between owners and managers. There will be a heavy emphasis on the role of counsel to the enterprise as a whole and on the practical aspects of advising officers and directors, including the coordination of multi-disciplinary teams.

Corporations and securities law courses provide highly desirable background, but are not prerequisites.

Grades will be based upon: a final take-home exam (2 credits), or a final take-home exam plus a 10-12 page research paper (3 credits), or a full-length paper (3 credits). In all instances, class participation will also be taken into account.

Enrollment will be limited to 25 students; MBA students from Booth will be welcome.

Autumn 2015 - Thomas A. Cole

Corporate Governance (for Closely Held Corporations)

LAWS 75007 - 01 (3) x, m

Considerable commerce is conducted by non-public corporations in the United States. This seminar will explore historic and evolving governance issues from the perspective of such entities with broad shareholder bases. Students will consider the roles, influences, expectations and responsibilities of managers, board members, and shareholders. We will explore board member and manager fiduciary duties extensively, and then consider applications of those duties; statutory and common law limitations and exceptions; special circumstances when ERISA is involved; with meanders into ESOP entities, indemnification concepts and justifications for director liability insulations. We will consider in all classes practical implications for attorneys counseling corporate clients.

Classes are interactive and active participation is expected. Grades will be based on class participation, one position/research paper (10 pages) and an open note final exam. Enrollment will be limited to 14 students.

Winter 2016 – Jerome Smyth

Corporate Governance in China

LAWS 80804 - 01 (3) w, x, m, l

Good corporate governance is essential to building an effective and stable capital market. China, which leads the world in economic growth, still lags in corporate governance and its capital markets remain underdeveloped as a result. Despite a plethora of new laws and regulations, compliance remains problematic and transparency inadequate – and board and management practices still vary widely across state-owned enterprises, publicly-listed companies, and privately-held firms. Furthermore, appreciation for ethical behavior, which is regarded as the bedrock of good governance and central to reform, is proving difficult to institutionalize. Given the growing volume of Chinese investment activity, the potential impact of a corporate collapse, and the risk of contagion spreading between Chinese and Western capital markets, corporate governance in Chinese companies is becoming an important concern not only for China but for investors and regulators worldwide.

This seminar will review the current state of corporate governance in China, compare Chinese practice to Western practice, examine recent high-profile failures, and highlight reform efforts. The seminar will be highly interactive and include extensive discussion of case studies. During the class, students will also learn-by-doing when they role-play a major governance crisis scenario, expressing the attitudes and behaviors of corporate executives, board directors, and regulators. Grading will be determined by class participation and performance across three short papers. The first paper will involve a comparison of Chinese and Western corporate governance methods; the second will focus on a recent case and provide analysis and commentary; and the third will require generation of a detailed, hypothetical governance crisis scenario, which will compete for inclusion in a monograph of future scenarios to be published later in the year.

Spring 2016 - Tom J. Manning

Corporate Governance in Emerging Markets

LAWS 75006 - 01 (3) +, r, w, x, m

This seminar provides an overview of recent developments and scholarship relating to corporate governance, primarily from a “law and finance” perspective. It particularly emphasizes the context of developing and transitional economies and other jurisdictions without a long tradition of strong corporate and securities law and enforcement. Topics to be covered include:

- 1) The emerging markets context, the distinctive legal and governance issues raised by firms with controlling shareholders, and the legal and institutional preconditions for stock market development
- 2) Legal and economic aspects of tunneling and other forms of self-dealing among firms with controlling shareholders
- 3) The debate on the impact of historical legal origins on stock market development
- 4) The evidence on the impact of corporate and securities law reforms on firm value and stock market development, introduced through country-level studies of major recent reforms in Korea, India and Russia
- 5) The distinctive context of corporate governance in China, including issues raised by the role of governmental entities as controlling shareholders
- 6) Regulatory dualism, as exemplified by Brazil's Novo Mercado, and the regulation of hostile takeovers in emerging markets
- 7) The causes and implications of the phenomenon of international cross-listing
- 8) The role of public and private enforcement of securities law in stock market development

While some background in areas such as corporate and securities law would be helpful, there is no formal prerequisite for the seminar.

Some readings from the "law and finance" literature will be interdisciplinary in approach, and some undertake statistical analysis.

However, no background in finance or statistics will be assumed. Rather, the emphasis will be on understanding the implications of the readings for law and policy.

Winter 2016 - Dhammika Dharmapala

Counterintelligence and Covert Action - Legal and Policy Issues

LAWS 70706 - 01 (3) w, x, m, l

This seminar will focus on the constitutional and legal framework for counterintelligence and other instruments of national power that seek to neutralize and/or exploit our adversaries' intelligence activities against US national security interests. Such adversaries may include foreign intelligence services, terrorists, foreign criminal enterprises, cyber intruders, or some combination thereof. The seminar will consider both legal and policy issues raised in efforts to prevent adversarial espionage action -- overt, covert, or clandestine -- targeting US military, diplomatic, and economic interests at home and abroad. The seminar will also explore the role and overlap of covert action, roughly defined as action intended to influence events in another nation or territory without revealing the involvement of the sponsor. Although the primary focus of the seminar will be separation of powers issues and the role of executive power in counterintelligence and covert action, care will be taken to consider less frequently discussed implications for domestic and international economies and markets, as well as the extent to which economic and market considerations motivate policy making or legal decisions.

The seminar will include short case studies from the Cold War and post-Cold War eras in the US, Latin America, the Middle East, and the former USSR.

The seminar is designed to minimize overlap with the material covered in The Law of Counterterrorism (LAWS 70704) and National Security Issues (LAWS 70703) by primarily focusing attention on state actors rather than nonstate actors.

Grades will be based upon a final paper, occasional short response papers, and reasonable class participation.

Spring 2016 - Stephen J. Cowen

Criminal and Juvenile Justice Project Clinic

LAWS 67213 - 01 (1, 2, or 3 per quarter, 9 maximum) +, a, s

The Project provides law and social work students the supervised opportunity to represent children and young adults accused of crime in juvenile and adult criminal court. Representation includes addressing the social, psychological and educational needs of our clients and their families. In addition to direct representation, students are involved in policy reform and public education including work with coalitions on issues of juvenile life without parole, youth violence, mass incarceration, and the collateral consequences of conviction.

Autumn 2015, Winter 2016, Spring 2016 - Herschella G. Conyers; Randolph N. Stone

Criminal Procedure I: The Investigative Process

LAWS 47201 - 01 (3) x

This course focuses on the law regulating the investigatory process, including searches, seizures, and confessions.

The grade is based on a final in-class examination.

Winter 2016 - John Rappaport

Criminal Procedure I: The Investigative Process

LAWS 47201 - 01 (3) x

This course focuses on the constitutional law of searches, seizures, self-incrimination, and confessions.

The grade is based on a final in-class examination.

Spring 2016 - Richard H. McAdams

Critical Race Theory

LAWS 69105 - 01 (3) +, r, w

This class focuses on an intellectual and political movement called Critical Race Theory, a radical left position on race and law that emerged in law schools in the late 1980s. Critical Race Theory scholarship is unified by two major intellectual and political commitments. First, CRT scholars argue that liberal legal approaches to race, even and especially laws that demand racial neutrality, serve to reproduce white supremacy and racial inequality. For example, the civil rights laws of the

1960s narrowly focused on intentional discrimination and took off the table any legal remedy for structural processes like residential segregation, labor market segmentation and disparate public school financing. Second, CRT scholars argue that law should be used to advance a political commitment to racial empowerment and anti-subordination (for example, by broadly reading the equal protection clause to require a remedy for structural inequality). We will spend much of our time tracing the intellectual history of the movement by reading the key writings that formed the center of the movement. The course will explore the movement's central commitments, as well as its political split-offs, renegades, and disgruntled fellow travelers. In addition, we will explore the trenchant critique of identity politics developed by liberal and conservative scholars in the legal academy, and the debate over the movement's critique of merit. In the context of theoretical argument, specific topics to be covered will include: police brutality, affirmative action in education, hate speech and immigration reform.

Students should have a basic understanding of equal protection in Constitutional Law. Con Law III is helpful in this regard. If you have not yet taken Con Law III, you should expect to read these cases on your own.

Students will choose between writing a twenty-five page paper or three ten-page papers on topics of their choice.

Students will also be asked to write short half-page reaction pieces to some portion of the course reading, to be submitted before class.

Twenty-five percent of the course grade will come from class attendance and student participation in a vigorous and stimulating discussion.

For a preview of the syllabus, see www.dariarothmayr.com.

Autumn 2015 - Daria Roithmayr

Cross-Border Transactions: Securities, M&A, and Joint Ventures

LAWS 71408 - 01 (3) s, x, m, l

This seminar is a survey of cross-border transactions and how successfully negotiating a transaction may vary across borders. We will first examine U.S. M&A, securities and financing transactions to gain comparative oversight. After covering this foundational overview, we will turn to Europe to gain an understanding of how various governance rules and local laws can impact transactions and procedures. Next, we will devote some time to Asian markets to show how recent changes in local law have expanded the opportunities for cross-border transactions, particularly for capital markets transactions, and the implications of such changes on the legal profession. Subsequently, we will take a brief look at the growth of project finance in the Middle East. The seminar will also discuss the increasingly important issue of bribery, focusing primarily on the Foreign Corrupt Practices Act and the UK Bribery Act. We will then put all this together to discuss multi-jurisdictional transactions and how to best negotiate cross-border legal, procedural and cultural differences.

Students will work in teams throughout the quarter to mark up and negotiate various agreements.

Autumn 2015 - Tarek Sultani

Current Controversies in Corporate and Securities Law

LAWS 52202 - 01 (3) w, x, m, l

This seminar deals with the most important developments in U.S. (and to some extent global) corporate and securities practice during the preceding year. The seminar and discussions provide analysis of the legal, political, and economic implications of these Developments.

Each student submits one paper and gives an oral presentation and analysis of another student's paper.

Winter 2016 - Richard Shepro

Current Issues in Criminal and National Security Law

LAWS 70708 - 01 (3) +, w, x, m, l

This seminar covers a series of current issues in criminal and national security law, often comparing and contrasting the two approaches, with a particular focus on challenges arising from acts of terrorism and other national security prosecutions (including a focus on substantive terrorism offenses, espionage offenses as well as the leaking of classified information), a discussion of criminal and intelligence investigative tools (comparing Title III electronic surveillance with Foreign Intelligence Surveillance Act), application of constitutional principles to terrorism investigations and prosecutions (particularly the First, Fourth, Fifth and Sixth Amendments and the application of Miranda, Quarles and Corley decisions and certain state bar rules in that context), the President's war powers and congressional oversight (including discussions of drone strikes, law of war detention, and Presidential and Congressional authority to use military force), and in other select areas, including the Classified Information Procedures Act, and economic sanctions, and national security leaks.

Each class will focus on a different topic, with advance reading assigned around each topic, and grading on the basis of two short reflection papers (3-5 pages each) and a final paper preferably written in the form of a U.S. Supreme Court opinion (20-25 pages, including a majority and dissent) on a select issue in criminal and national security law.

Guest speakers will help facilitate discussion on certain topics.

Pre-requisites: Criminal Law and Constitutional Law I.

Winter 2016 - Patrick J. Fitzgerald; Michael Y. Scudder

Data Breach - Identification, Investigation, Notification, and Defense

LAWS 68403 - 01 (2) x, m, l

This seminar will examine how corporate actors are required to respond and notify around a data breach incident. Students will explore the substantive and

procedural requirements that arise from state and federal data breach notification laws, and the requirements placed on corporations to notify impacted individuals when there has been a breach of triggering information, as both of those terms are defined under the laws. Topics include determining the laws applicable to a particular corporate entity (Gramm-Leach-Bliley, HIPAA, state laws, etc.), deciding if an incident constitutes a breach where notice is legally required, practical considerations for investigating a breach within various types of corporate entities, steps required for providing legally-compliant notification, exposure and legal risks after notification, and considerations for providing notification even if not legally required to do so. This practical and hand-on seminar will use a text written by the professor, a practitioner who regularly counsels companies who have suffered a data breach.

The grade is based on in-class participation, an in-class presentation, and a series of short reaction papers.

Autumn 2015 - Liisa M. Thomas

Developments in Fourth and Fifth Amendment Jurisprudence: Effects of Emerging Technologies

LAWS 68303 - 01 (2) x, m, l

This seminar focuses on the evolution of Fourth and Fifth Amendment jurisprudence in response to a world of rapidly changing technologies. Topics covered include changes in expectations of privacy effected by changes in technology, searching and monitoring of computers and email, use of geolocation information, GPS tracking, collection of historical and prospective cell-site location information and records and real-time cell phone tracking, searches of cell phones, and the act-of-production doctrine and compelled production of computer passwords. The seminar also considers related policy considerations and how these considerations are addressed by statutes, such as the Stored Communications Act, and by proposed legislation.

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

Winter 2016 - Michael D. Sher

Divorce Practice and Procedure

LAWS 93202 - 01 (3) w, s, x, u, l

This class provides an exposure to the dynamic process of representing clients in a dissolution of marriage case. The class will familiarize you with the complexities that arise when the ever changing family unit is divided and the parties are dissolving their marriage. Topics are covered in the sequence of an evolving case from the perspective of a practicing lawyer and include determination of jurisdiction, interstate and international parental kidnapping, domestic violence, injunctions, temporary and permanent child custody, visitation (parenting rights), temporary and permanent maintenance (alimony), child support, liability for attorneys' fees, property rights and the division of assets and liabilities, valuation

of assets, premarital and postmarital agreements, ethical issues, federal tax law affecting divorce and enforceability of divorce related orders if there is a subsequent bankruptcy. We will also discuss same-sex marriage, civil unions and issues relating to LGBT relationships.

Students will have the opportunity to discuss topics and present arguments not only to instructors, but sitting Illinois Domestic Relations Court Judges, who will participate in several classroom discussions.

Forty percent of a student's grade is based on class participation, and sixty percent on the legal memoranda to be prepared.

Writing for this class may be used as partial fulfillment of the JD writing requirement (WP).

Autumn 2015 - Donald Schiller; Erika N. Chen-Walsh

Drafting Contracts: The Problem of Ambiguity

LAWS 79910 - 01 (2) s, x, m, l

This seminar is unique. It is a very interesting, very intellectual, and very practical learning experience. The main features are: 1. Students will learn some extremely useful tools for analyzing and drafting contracts. They will acquire them by an inductive process of reviewing many examples of ambiguity from case law, eminent legal scholars, and the lecturer's practice. They will learn to identify and eliminate ambiguity in drafting contracts. These tools are the creation of the lecturer and will give students unique practical skills that no other American law students (except the lecturer's prior students) have. 2. The course materials come from the in-house seminars for the firm's China Practice lawyers that the lecturer conducted for many years as a partner at Baker & McKenzie and that established the profession's best practices for China-related contracts. 3. The historical examples of ambiguity in the seminar are of human, as well as intellectual, interest. They show that ambiguity can lead to the hanging of an individual for piracy or treason, a damages award of more than U.S. \$10 billion, and even a change in the course of World War II. 4. The seminar facilitates student learning. At the beginning of each class, an audience response system (called "clickers") provides students immediate, comparative, and anonymous feedback on their understanding of the reading assignment. The seminar also allows each student to see what he or she has learned in the seminar by comparing his or her analysis of a specific contract for the first class and for the last class. This contract analysis, like the final exam, gives each student the experience of a practicing lawyer reviewing a contract.

Grades will be based on a proctored final exam.

Winter 2016 - Preston M. Torbert

Economic Analysis of the Law

LAWS 73201 - 01 (3) c/1, x

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 2015 - Anup Malani

Election Law

LAWS 95903 - 01 (3)

This course examines the law, both constitutional and statutory, that governs the American electoral system. Topics covered include the right to vote, reapportionment and redistricting, minority representation, the regulation of political parties, and campaign finance. The course draws heavily from both legal and political science scholarship. It addresses constitutional provisions including the First, Fourteenth, and Fifteenth Amendments, as well as key statutes such as the Voting Rights Act, the Federal Election Campaign Act, and the Bipartisan Campaign Reform Act. Students will develop an understanding of not only election law doctrine, but also the theoretical and functional underpinnings of the American electoral system.

Autumn 2015 - Nicholas Stephanopoulos

Elements of Business Law

LAWS 42300 - 01 (3) e, x

About half of all law students will become transactional lawyers of various kinds, but almost the entire first-year curriculum is focused on litigation. This course seeks to fill the gap by introducing key principles of transactional law and practice. It is a business-law companion to the "Elements of Law" course. The goals are: (1) to introduce certain foundational concepts and tools that will be useful for upper-level business-law courses; (2) to expose students thinking of summer jobs to what it is like to be a transactional lawyer; and (3) to provide an overview of business-law issues to students who do not plan on a transactional career. We will examine several specific transactions in detail, covering the background law and concepts, the transaction itself, and a discussion about the issues surrounding it. Some of these will be transactions where the lawyer's job is to expand the pie, and others

will be where the job is to divide the pie. In all cases, we will discuss the role of the lawyer, tools of analysis (e.g., valuation, accounting, statutory and rule interpretation, etc.), and ethical issues that may arise.

No business experience, economics training, or particular interest in business is required.

Grades will be based on a mix of reaction papers, journal entries, exercises, and an essay.

Spring 2016 - M. Todd Henderson

Emotion, Reason, and Law

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

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

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

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

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

Other topics will be included as time permits.

Open to all law students without prerequisite.

Undergraduates may enroll only with the permission of the instructor.

Assessment will be via a take-home exam or a substantial research paper.

Spring 2016 - Martha C. Nussbaum

Employee Benefits Law

LAWS 55503 - 01 (3) w, x, m, l

This seminar will provide an introduction to the Employee Retirement Income Security Act (ERISA) and other federal statutes regulating employee benefit plans in the private sector. The seminar will cover many types of plans, including defined benefit pension plans, individual account retirement plans (such as 401(k) plans),

medical plans, other welfare benefit plans and executive compensation programs. It will provide a basic understanding of fiduciary standards governing plan administration and the investment of plan assets; minimum standards for benefits and funding; benefit claim dispute resolution procedures and standards of judicial review; federal preemption of state laws; and key issues which arise in ERISA litigation. The seminar is intended for students interested in a broader labor and employment practice; a mergers and acquisitions or general corporate practice; or a civil litigation practice. Although our primary mission will be to prepare students for the practice of law, we also will explore whether the law governing employee benefit plans is operating effectively and in accordance with its stated purposes. Students will be graded on class participation and on a series of short reaction and research papers.

There are no prerequisites for this seminar.

Autumn 2015 - Charles B. Wolf

Employment Discrimination Law

LAWS 43401 - 01 (3) 1

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

The student's grade will be based on class participation and a final examination.
Winter 2016 - James Whitehead

Employment Law

LAWS 43511 - 01 (3)

This course examines the evolving role of work and the nature and scope of legal regulation of the employment relationship. We will focus on the federal laws and common law doctrines that establish a structure of worker rights and obligations for non-unionized employees. Areas of concentration will include: statutory protection against discrimination in hiring, promotion, and termination, limitations on employer control of the terms and conditions of employment, and the development of common law protection from discharge.

Spring 2016 - Zev J. Eigen

Employment Law Clinic

LAWS 67113 - 01 (1, 2, or 3 per quarter, 9 maximum) +, a, w, s

Randall D. Schmidt and his students operate the Clinic's Employment Law Clinic. The Clinic focuses primarily on pre-trial litigation and handles a number of individual cases and class actions. In individual cases, the Clinic represents clients in cases before the Illinois Department of Human Rights and the Illinois Human Rights Commission and seeks to obtain relief for clients from race, sex, national origin, and handicap discrimination in the work place. In the class actions, the Clinic represents groups of employees in employment and civil rights actions in federal court. Additionally, in its individual cases and law reform/impact cases, the Clinic seeks to improve the procedures and remedies available to victims of employment discrimination so that employees have a fair opportunity to present their claims in a reasonably expeditious way. To accomplish this goal, the Clinic is active in the legislative arena and participates with other civil rights groups in efforts to amend and improve state and federal laws. It is suggested, but not required, that all students in the Employment Law Clinic take the Employment Discrimination Law seminar.

It is recommended that third-year students take, prior to their third year, either the Intensive Trial Practice Workshop or some other trial practice course.

The student's grade is based on class participation.

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 faculty.

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

The Intensive Trial Practice Workshop (or an equivalent trial practice course) is recommended for 3L's in the clinic.

Autumn 2015 - Randall D. Schmidt

Employment Law Clinic

LAWS 67113 - 01 (1, 2, or 3 per quarter, 9 maximum) +, a, w, s

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Spring 2016 - Randall D. Schmidt

Energy Law Seminar

LAWS 45302 - 01 (3) x, m, l

The Energy Law Seminar exposes students to current issues facing energy industry practitioners. Topics covered during the first half of the seminar include United States shale developments, international energy projects, the natural resources curse, energy finance challenges, and energy litigation/arbitration trends. The second half of the seminar consists of a West Africa simulation, in which student teams bid on real petroleum licenses in West Africa, engage in a multilateral negotiation with other teams to acquire and divest license interests, and then drill wells by rolling dice to determine which of the 50 petroleum prospects are discoveries.

The grade is based on in-class participation (including presentations and simulation performance), negotiation sessions between class meetings, and written agreements/memoranda.

Spring 2016 - Shelby S. Gaille

Entrepreneurship and the Law

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

This seminar examines how the law and legal counsel influence innovation and entrepreneurship in the US, particularly by micro-enterprises. The seminar explores the position of the entrepreneur in society, in the economy, and in our constitutional framework, in order to analyze the entrepreneur's fundamental legal needs. We survey legal questions particular to start-ups, including strategies for structuring a business organization, financing, and protecting intellectual property. Assignments require students to research issues that apply to hypothetical and real start-ups and practice lawyerly skills like strategic planning, negotiation, drafting, and counseling.

This seminar is required for participation in the Institute for Justice Clinic on Entrepreneurship, unless students make other arrangements with the Clinic instructors.

Students' grades will be based on active participation and several research and writing assignments.

Autumn 2015 - Elizabeth W. Kregor; Salen M. Churi

Environmental Law

LAWS 46001 - 01 (3) c/l

This course introduces students to the laws, policies and theories related to environmental protection in the United States. No environmental, engineering or science background is required, and it is not necessary to take Administrative Law before or during enrollment in this course. The course reviews different, and often competing, objectives related to the environment: development and use of natural resources, preservation of nature, protection of human health, economic efficiency, and distributional equity. The course explores in depth how the common law and

the major federal environmental statutes (e.g. the Clean Air Act, the Clean Water Act, etc.) address these objectives.

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

Winter 2016 - Mark N. Templeton

Ethical Quandaries in Legal Practice

LAWS 41017 - 01 (3) p, x, m, l

Given 24-hour news cycles, macro-economic pressures facing many law firms, government entities and corporations, and the proliferation of social media, the practice of law is under increasingly intense scrutiny from clients, the public, the judiciary, governments, regulators and peers. The attendant risk to the reputations of practicing attorneys is much higher than it has ever been. This seminar will satisfy the professional responsibility/ethics graduation requirement. Through analysis of ethical issues that attorneys face on a daily basis, we will study the challenges, pitfalls, consequences and opportunities associated with the ethical practice of law. Additionally, we will examine the tension caused by attorneys' competing interests in: exercising independent judgment, serving as officers of the court, providing zealous advocacy and earning a living. Seasoned attorneys in private practice, in-house counsel and the judiciary will join portions of the seminar to discuss real world scenarios and provide insight into how attorneys can successfully navigate through today's ethical minefields.

The grade assessment is: 30% class participation, 30% based on a research paper, 30% on a take-home final exam, and 10% on reaction papers.

Spring 2016 - Joseph Alesia; Sharon R. Fairley

EU Competition Law and Economics

LAWS 75402 - 01 (2 or 3) w, x, m, l, c/l

The seminar provides an introduction to interesting and cutting edge topics in antitrust economics using European competition law as the backdrop for applying and discussing this. European competition law and its application by the European Commission have evolved rapidly since around 2000. The seminar focuses on this modern period and the evolving use of economics in the Commission decisions and court judgments. It does not provide an introduction to black-letter EU competition law or a discussion of old cases. The seminar also covers Chinese antitrust law and cases as well. Their law, which went into force in 2008, is based on elements of EU and US law and there are already several important cases.

Grade will be based on a final in-class examination and an optional paper (to receive 3 credits).

Spring 2016 - David S. Evans

European Legal History

LAWS 91901 - 01 (2 or 3) r, w, x, m

This seminar aims to give students an appreciation of the basic themes and 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 12th century, the nature of the *ius commune*, legal humanism, the reception of Roman law, the natural law school, and the movement towards Codification.

In addition to the text book, students are expected to read one law review article each week and to share it with the class.

They are permitted to write a research paper, but a final examination will also be offered as an option.

Winter 2016 - Richard H. Helmholz

Evidence

LAWS 41601 - 01 (3) x

An examination of the federal rules governing proof at trial. On many points, the rules of most states are the same or similar (New York and California have the most differences, though even they have significant overlap with the Federal Rules).

There will be somewhat more lecture than in a typical course, in order to facilitate coverage of material. Even so, certain relatively minor or easy topics will not be covered (Burdens of Proof, Presumptions, Judicial Notice), and others will be covered only briefly (e.g., Privileges, Impeachment of Witnesses). Approximately two-thirds of the term will be devoted to the two central topics in the law of evidence: relevance and hearsay (including the hearsay exceptions).

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

Winter 2016 - Brian Leiter

Evidence

LAWS 41601 - 01 (3) x

This course examines the law governing proof of disputed propositions of fact in criminal and civil trials, including relevance, character evidence, the hearsay "rule" and other rules of exclusion, and examination and privileges of witnesses.

The grade is based on a final in-class examination.

Spring 2016 - John Rappaport

Evolution of Legal Doctrines

LAWS 65302 - 01 (3) w, x, m

Legal doctrines have life cycles. They are born and mature. Many doctrines fade and die. There is a form of natural selection among doctrines, with several candidates offering to serve the same function in different ways. This seminar looks at the maturation and replacement of doctrines, posing the question why some die

and others survive. Scope is eclectic: the doctrines range from "separate but equal" under the equal protection clause to the "original package doctrine" under the commerce clause, from the appointment of counsel under the Sixth Amendment to the understanding of the Rules of Decision Act (that is, why Swift gave way to Erie). The premise of the seminar is that those who fail to learn from the past are condemned to repeat it.

Autumn 2015 - Frank H. Easterbrook

Evolution, Neuroscience, and the Law

LAWS 76603 - 01 (3) r, x, m

This seminar critically examines the relationship between contemporary developments in evolutionary psychology, evolutionary game theory, neuroscience, genomics and the law.

Although the legal academy has embraced many social scientific methodologies, it is still in the early stages of wrestling with how contemporary developments in the biological sciences bear on the law. Over the past several decades, a number of empirical and technological advances have, however, generated a veritable renaissance in the biological, evolutionary and neurobiological sciences. This renaissance creates new potential for cross-fertilization but also many dangers of misinterpretation, some of which the legal academy is poorly suited to address. To help bridge this gap, this seminar introduces students to several of the key developments that have generated this renaissance. Topics of discussion will include the evolution and neuropsychological underpinnings of cooperation, law, and the psychological attitudes that animate legal systems. Students will critically discuss the relationship between recent findings and other work in the study of human decision-making. Other topics for critical discussion will include the bearing that recent developments have on questions of freedom of the will, responsibility, the function of criminal punishment, race and the persistence of racial inequality.

Spring 2016 - Robin B. Kar

Exoneration Project Clinic

LAWS 67413 - 01 (1, 2, or 3 per quarter, 9 maximum) +, a, s

The criminal justice system is not perfect. Innocent people are sometimes convicted of crimes they did not commit. When that occurs, the consequences for the lives of the wrongfully convicted and their families are truly devastating. By investigating and petitioning courts to reverse wrongful convictions, our Exoneration Project is dedicated to restoring justice. Our project represents innocent individuals who have been wrongly convicted. Students working in our project assist in every aspect of representation including selecting cases, investigating and developing evidence, as well as in-court litigation of post-conviction petitions, petitions for DNA testing, and federal habeas petitions. Students work closely with our clients and have an opportunity to develop their oral and written advocacy skills by

preparing written pleadings and by appearing before trial courts and appellate court panels. Through participation in our project students will explore issues of error and inequality in the criminal justice system, including police and prosecutorial misconduct, the use of faulty scientific evidence, coerced confessions, unreliable eyewitness testimony, and ineffective assistance of counsel. The Exoneration Project is an intensive, rigorous experience designed for students who are committed to providing the best possible representation to deserving clients. Second-year students wishing to enroll in the Project are encouraged to take Evidence in their second year. Third-year students are required to complete, prior to their third year, Evidence and the Intensive Trial Practice Workshop. Students are also strongly encouraged but not required to take Criminal Procedure I, and Criminal Procedure II. Students selected for this project will receive credit for the work they do in accordance with the credit rules for all other clinical programs. Autumn 2015, Winter 2016, Spring 2016 - Russell Ainsworth; David B. Owens; Tara E. Thompson

Fair Housing

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

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

The student's grade will be based on class participation and a research paper.
Spring 2016 - Lee Fennell

Family Law

LAWS 45001 - 01 (3) r, c/1

This course will examine the state's role in recognizing and regulating personal relationships between adults and between adults and children. Throughout the quarter we will explore assumptions about family that underlie existing legal regulation, including assumptions embodied in constitutional law.

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

Paper writers require permission of the instructor; ADDITIONAL explicit instructor consent required for paper to be considered for SRP certification.

Can be taken with Constitutional Law VII (LAWS 47101) with permission of the instructor. Undergraduates by instructor permission only.

Spring 2016 - Mary Anne Case

Federal Courts

LAWS 41101 - 01 (3) x

This course covers the role of the federal courts in the federal system. Topics will include the jurisdiction of the federal courts, Congress's power over those courts, litigation against federal and state governments and their officials, and the relationships between federal and state courts.

There are no prerequisites.

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

Winter 2016 - Adam K. Mortara

Federal Courts

LAWS 41101 - 01 (3) x

This course covers the role of the federal courts in the federal system. Topics will include the jurisdiction of the federal courts, Congress's power over those courts, litigation against federal and state governments and their officials, and the relationships between federal and state courts. Constitutional Law I is a prerequisite, though it may be waived in special circumstances.

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

Spring 2016 - William P. Baude

Federal Criminal Justice Clinic

LAWS 67513 - 01 (1, 2, or 3 per quarter, 9 maximum) +, a, s, x

The Federal Criminal Justice Clinic zealously represents indigent defendants charged with federal crimes and gives students a unique opportunity to practice in federal court. The FCJC is the only legal clinic in the country that exclusively represents indigent clients charged with federal felonies. We enter our federal district court cases at the time of arrest, take them to trial or guilty plea and sentencing, and then carry them through appeal and beyond. As part of our broader mission to promote fairness in the criminal justice system, we also take Seventh Circuit appeals and write amicus briefs and petitions for certiorari to the U.S. Supreme Court.

FCJC students interview clients and witnesses; meet with clients at the federal jail; conduct and participate in bond hearings, preliminary hearings, arraignments, evidentiary hearings, plea hearings, sentencing hearings, and trials; research, write, and argue motions and briefs; negotiate with prosecutors; and participate in case investigations. Students involved in appellate litigation research and write briefs to the Seventh Circuit and the Supreme Court and conduct oral argument in the Seventh Circuit. The seminar component includes skills exercises, simulations, lectures, case rounds, and discussions.

The pre-requisites/co-requisites are Evidence and Criminal Procedure I; these courses may be taken at any time during 2L or 3L year.

It is strongly recommended that students interested in joining the FCJC as 3Ls take Prof. Siegler's Federal Criminal Procedure course during 2L year (if offered) and take the Intensive Trial Practice Workshop at the beginning of 3L year. The FCJC is a year-long clinic and is typically only open to 3Ls. Any slots that remain after bidding closes will be opened to 2Ls.

Autumn 2015 - Alison Siegler; Erica K. Zunkel; Judith P. Miller

Federal Criminal Justice Clinic

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Winter 2016, Spring 2016 - Alison Siegler; Erica K. Zunkel; Judith P. Miller

Federal Criminal Law

LAWS 46501 - 01 (3) x

This course surveys the substance and structure of federal criminal law. The appropriate scope of federal criminal law and enforcement is a central theme of the course. Topics examined include: federal jurisdiction over crime and offenses that enlarge the reach of federal criminal law such as mail fraud; federal crimes occurring in markets, including transactions in illegal markets (such as drug trafficking) and illicit transactions in legal markets (such as securities fraud);

federal crimes involving corrupt payments, such as bribery, extortion, and foreign corrupt practices; federal crimes involving concealment, such as false statements, perjury, obstruction of justice, and money laundering; the regulation of criminal activity occurring in and through formal and informal organizations (such as RICO), and the allocation of liability between individuals and organizations with particular attention to deferred prosecution agreements.

Winter 2016 - Thomas J. Miles

Federal Criminal Practice

LAWS 47502 - 01 (3) s, x, u, l

Federal Criminal Practice aims to expand students' knowledge of the scope and application of federal criminal law, and will challenge students to think and act as practicing prosecutors and defense attorneys. Because the class is taught by two senior associates at Winston & Strawn LLP who focus their practices on criminal law, including representation of individuals and companies in criminal matters and referrals to law enforcement agencies, the class seeks to prepare students to bridge the gap between law school and actual practice of federal criminal law. The class seeks to combine substantive content with practical considerations to help students start to think like a practitioner. The class includes lecture and discussion about significant topics in federal criminal law; guest speakers with prosecutorial, judicial, and private practice experience who will describe the application and implications of these topics; and practical exercises that will provide students with the opportunity to enhance their advocacy abilities both orally and in writing.

The class will review four major areas of federal criminal law: (1) the role and scope of the federal criminal system; (2) federal narcotics prosecutions; (3) federal public corruption prosecutions including use of the mail fraud and honest services statutes; and (4) federal racketeering laws. Students will gain a working knowledge of relevant case law on these topics, and will also review and apply real cases prosecuted in federal courts in the Northern District of Illinois. Students will also hear from guest speakers on topics 2-4, who will also provide information about more general challenges and issues that they have observed or experienced in their own practices and will provide tips regarding the upcoming practical exercises, discussed below. To cover a spectrum of experiences, the speakers will be (1) a federal judge in the Northern District of Illinois who also served as an Assistant United States Attorney for many years; (2) a current Assistant United States Attorney who is early in his prosecutorial career; and (3) a former Assistant United States Attorney who now focuses his practice on criminal defense work at a law firm.

This class is unique in that it will incorporate a practical component, namely: writing and arguing a motion to suppress evidence and a sentencing position; conducting an opening statement; and presenting a short closing argument. For all exercises students will be divided evenly between prosecutors and defense attorneys.

Students will complete two written and three oral exercises which, together with class participation, will provide the basis for each student's grade.

Because of the practical component, the class size will be strictly limited to 12 students.

Spring 2016 - Shannon T. Murphy; Jared L. Hasten

Federal Criminal Procedure: From Bail to Jail

LAWS 47301 - 01 (3) e, x

This course surveys the federal criminal process from the formal filing of charges in court through trial and beyond. While Criminal Procedure I examines the procedural rules that govern police investigations, this course examines the procedural rules that govern the criminal process after an arrest, as the case moves through the court process. (This course is not called "Criminal Procedure II" because Criminal Procedure I is not a prerequisite.) The law that governs after formal proceedings have commenced is based largely on the Federal Rules of Criminal Procedure and on the Fifth and Sixth Amendments, but is less doctrinal and constitutional than the law that governs during the investigative stage of a case. Topics include: pretrial release and detention, the preliminary hearing, the grand jury, the charging instrument, joinder and severance, discovery, selected trial issues (including confrontation rights), plea bargaining and negotiation, and sentencing. We also examine prosecutorial discretion and ethical issues surrounding the representation of criminal defendants. Various guest speakers typically visit class, including federal district court judges, an Assistant United States Attorney, and a criminal defense lawyer.

The final grade is based on an eight-hour take-home examination.

Spring 2016 - Alison Siegler

Federal Habeas Corpus

LAWS 58502 - 01 (2 or 3) x, m

We will cover the history of the Great Writ and the evolution of the scope of federal habeas corpus review and relief; the Suspension Clause; habeas review in capital cases including stays of execution; alternatives to habeas review; state post-conviction proceedings; and jurisdictional issues in both the trial and appellate courts. There will be an emphasis on habeas review under the Antiterrorism and Effective Death Penalty Act, which will be particularly helpful for students taking federal judicial clerkships.

Students' grades are based on in-class examination and participation, and a short research paper (if the 3 credit option is chosen).

Students who have completed Criminal Procedure III (LAWS 49701) may not register for this class.

Autumn 2015 - Adam K. Mortara

Federal Regulation of Securities

LAWS 42401 - 01 (3) +, x

The securities laws govern the way in which a company may raise, and seek to raise, capital. They also impose substantial ongoing obligations upon companies and their security holders in both private and public companies. The course will cover rules relating to public and private offerings of securities by issuers, to sales and resales of securities, and to ongoing disclosure and reporting obligations of issuers and other securities markets participants. The course will also cover liability provisions under the Securities Act and the Securities Exchange Act, as well as private and public regimes for enforcing compliance with securities laws. Business Associations, Corporations or a similar survey course is a strongly recommended prerequisite for Securities Regulation.

LL.M. students may register for the class if they have taken a class on corporate law while pursuing their first law degree.

The casebook required for the class is James D. Cox, Robert W. Hillman and Donald C. Langevoort, *Securities Regulation: Cases and Materials* (7th edition, 2013). Grades will be based primarily on a final in-class examination but valuable class participation will be taken into account.

Autumn 2015 - Urska Velikonja

Federal Regulation of Securities

LAWS 42401 - 01 (3) x

We will examine in detail the law regulating the issuance and sale of securities (that is, stocks, bonds, and other financial instruments) in the United States.

Topics will include: initial public offerings (IPOs), the regulation of stock exchanges, private placements of stock, securities fraud litigation, and the regulation of broker-dealers.

Winter 2016 - M. Todd Henderson

Federal Tax Policy Seminar

LAWS 55801 - 01 (2) x, m

This seminar will examine selected topics of current interest in federal tax policy. The exact mix of topics will depend (at least in part) on tax legislation under consideration by Congress.

Students will be graded on a combination of class participation and four short reaction papers.

Autumn 2015 - Julie Roin

Feminist Economics and Public Policy

LAWS 70502 - 01 (2 or 3) c/l, x, m

This seminar will explore advances in feminist economics and the implications for public policy in local and global communities. Drawing from feminist economics research, the seminar will address the persistence of gender inequality in societies

around the world and proposed policy solutions. Topics will include gender relations and the organization of domestic and market work, violence against women, workplace and pay equality, gendered access to resources, education, and healthcare, and gender and property rights.

Grades will be based on a series of short writing assignments and class participation.

Spring 2016 - Diana L. Strassmann

Food and Drug Law and Policy

LAWS 94501 - 02 (3) w, c/1

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

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

Spring 2016 - Jack R. Bierig

Foreign Relations Law

LAWS 97801 - 01 (3)

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

Grades will be based on a final examination.

Autumn 2015 - Daniel Abebe

Freedom of Speech in the Digital Age

LAWS 40202 - 01 (3) +, r, w, x, m

New communication technologies raise new and difficult questions about the meaning of the First Amendment guarantee of freedom of speech. This seminar engages those questions. It examines what freedom of speech means in the digital age and how the government can and should protect it. Topics covered in the seminar will include: search code and the constitutional category of speech;

revenge porn; copyright and the Digital Copyright Millennium Act; network neutrality; video games; the right to record; and the First Amendment problems raised by mass government surveillance

Students will be evaluated on the basis of their in-class participation, three short response papers, and a final essay.

Constitutional Law II is a prerequisite for the seminar.

Spring 2016 - Genevieve Lakier

From Caliphate to Nation State: A Survey of Modern Muslim Constitutional Thought

LAWS 80232 - 01 (3) x, m, l, c/l

This seminar will review the contemporary debates around the role of Islamic Law in modern political and legal systems. The primary objective of the seminar will be to give the student a basic understanding of Islamic legal theory and the challenges modern Muslim nation states face in addressing the role of Islamic Law. The seminar will focus on the constitutional law issues regarding sources of law, religious freedom, public interest, and related issues in Muslim majority countries as well as review the debates around the application of Islamic Law in Muslim minority states. Current political debates around Shari'ah law will be assessed against Islamic legal theory and constitutional law, specifically in light of the "Arab Spring" revolutions and the phenomena of violent extremism such as ISIS. As such, in addition to a theoretical understanding of Islamic Law in the modern context, students will also develop an understanding of the practical impact of legal theory on political, social, and economic realities in the Muslim world and beyond.

This is a one-quarter seminar for 2L and 3L students.

There are no pre-requisite courses required in Islam.

Weekly readings will be assigned in English language source materials.

The seminar will draw on the lecturer's extensive personal experience with the subject matter and knowledge of the legal systems of Muslim majority states such as Saudi Arabia, Turkey, UAE, Pakistan, Egypt, Malaysia, and elsewhere. Professor Kamran Bajwa studied classical Islamic Law and Islamic Theology at the Al-Azhar seminary in Cairo, Egypt prior to attending the University of Michigan Law School where he also took advanced courses in Islamic Law. Professor Bajwa currently heads the Middle East regional practice for the law firm of Kirkland & Ellis and has served as an advisor to major Islamic scholars and political leaders throughout the Muslim world involved in legal reform and intellectual projects.

Grading will be based on a group presentation to the class on sub-topic of students' choice, a short 10-12 page research paper, and class participation and attendance.

Autumn 2015 - Kamran S. Bajwa

Frontiers of Consumer Protection Law

LAWS 57503 - 01 (2 or 3) x, m, l

What do student loans, television advertisements, and telemarketing all have in common? Consumer protection law. This large and critically important body of law impacts everyday life in ways that are often unappreciated. Congress, state legislatures, agencies, and consumers are actively involved today in shaping consumer protection in response to new technologies, financial instruments, and marketing strategies. In this seminar, students will learn the history and theory of consumer protection law and evaluate its effectiveness. They will be introduced to the law associated with product warranties, predatory lending, and debt collection practices.

Students will be evaluated based on class participation and a series of reaction papers (two credits).

Students may earn a third credit by writing a short research paper (10-15 pages) in addition to the rest of the coursework.

Spring 2016 - Nadia Nasser-Ghods

Frontiers of Corporate Law

LAWS 42306 - 01 (2) +, x, m

We will read cases, academic articles (from lawyers, economists, and business academics), and books on current issues in corporate law. The seminar will build on the foundational corporate law or business associations course, by examining issues at the cutting edge of corporate governance

Grades will be based on a series of short essays responding to the readings.

Prerequisite: Corporations or Business Organizations.

Autumn 2015 - M. Todd Henderson

Fundamentals of Accounting for Attorneys

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

This seminar will teach the basic fundamentals of accounting to better prepare you to recognize and understand financial business issues related to the practice of law. Topics include key accounting concepts, reading financial statements and financial statement analysis. The class sessions will include guest speakers presenting on current accounting topics such as Sarbanes Oxley, working with the SEC and forensic accounting (investigating accounting frauds).

The class is designed for those who have never taken an accounting class and/or have little financial background.

There are no prerequisites but you should not take this class if you have taken an accounting class before or if you have experience in finance or accounting.

Grades will be based on homework, papers, and a final examination.

Autumn 2015 - Philip Bach; Sean M. Young

Gendered Violence and the Law Clinic

LAWS 63313 - 01 (3 or 4 per quarter, 7 total) a, s

When confronted with domestic and sexual violence in our communities, arrest and prosecution of the perpetrator is only one of many potential legal responses. What other legal tools are available to survivors and how useful are those tools? Students will explore these issues through a 2-hour weekly seminar, combined with 12 hours per week of field work spent working at the civil legal services office of LAF. Students will work primarily on family law and immigration cases, while accepting some assignments from LAF's other practice areas where the legal rights of survivors of gendered violence are implicated. Students will assist with representation of domestic and sexual violence survivors to meet a broad range of legal needs, which could include protective orders, divorce and custody litigation, VAWA self-petitions and U-Visa applications, advocacy in child abuse and neglect proceedings, housing discrimination and eviction matters, unemployment insurance hearings, and public benefits appeals. All students will be expected to interview clients, prepare written discovery, develop witness statements, conduct legal research, and draft pleadings, motions and court orders. Students eligible for a 711 license may appear in court under attorney supervision. Prior experience and language skills may be considered in determining each student's clinical placement.

Students' grades will be based on participation and case presentations in the seminar, performance in the clinical field work, and writing assignments. Students will also participate in a simulated hearing at the end of the course.

Participation over both Winter and Spring quarters is required.

Winter 2016, Spring 2016 - Neha Lall

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

LAWS 95902 - 01 (1, 0, 0) a, x

We will explore a series of works on urban crime, politics, and policing, with an emphasis on the City of Baltimore: David Simon, "Homicide: A Year on the Killing Streets," Sudhir Venkatesh, "Gang Leader for a Day," Jill Loevy, "Ghettoside: A True Story of Murder in America," and all of "The Wire." We will focus particularly on the drug war – the economics and violence of the trade; the culture of the police bureaucracy; alternative law enforcement strategies such as informants and wiretapping; the politics of race, crime rates, and legalization; and the effects of addiction. But these works also examine the effects of declining blue collar jobs and weakening labor unions; the effects of race, incumbency, and corruption on local politics; the challenges and failures of urban education and child welfare agencies; and the role of the city newspaper in self-governance. Preference is given to 3L students.

Graded Pass/Fail.

Autumn 2015, Winter 2016, Spring 2016 - Jonathan Masur; Richard H. McAdams

Greenberg Seminar: Criminal Justice and Medical Ethics in Literature

LAWS 95902 - 02 (1, 0, 0) a, x

Students in this seminar will read and discuss literature that relates to the respective disciplines of Professor Alison Siegler and of her father, Professor Mark Siegler of the Medical School. We will study selected criminal justice topics and medical ethics issues through the lens of novels, plays, and other primary sources. We will also explore the centrality of storytelling in lawyering and doctoring. Topics will include mens rea in Capote; sentencing in Shakespeare; end-of-life decision-making in Tolstoy; and crime, punishment, and ethics in Dylan's music. Graded Pass/Fail.

Autumn 2015, Winter 2016, Spring 2016 - Alison Siegler; Mark Siegler

Greenberg Seminar: Great American Cities

LAWS 95902 - 05 (1, 0, 0) a, x

We plan to read one book per session (mostly nonfiction), each about a different American city, and each illuminating a different aspect of urban policy (e.g., housing, crime, courts, corruption, etc.). The idea is to learn about broad urban policy issues while also being exposed to the idiosyncratic details of individual cities.

Graded Pass/Fail.

Autumn 2015, Winter 2016, Spring 2016 - Nicholas Stephanopoulos; John Rappaport

Greenberg Seminar: Iran

LAWS 95902 - 03 (1, 0, 0) a, x

Iran is a country that is frequently discussed, but rarely understood. This Greenberg seminar will focus on developing a greater understanding of the culture, domestic politics, and foreign affairs of Iran, as well as its position in the broader Middle East. Sessions will focus on what life is like within Iran, how Iran's government functions, US-Iran relations, and the way that Iran shapes the politics of the middle east. The seminar will use a combination of books and films to explore these themes.

Graded Pass/Fail.

Autumn 2015, Winter 2016, Spring 2016 - Adam Chilton; Thomas Ginsburg

Greenberg Seminar: Law and Empire in Historical Perspective

LAWS 95902 - 04 (1, 0, 0) a, x

This Greenberg Seminar, which will be led by professors Alison LaCroix (law) and Jennifer Pitts (political science), will focus on recent works examining the law and politics of empire from the early modern period through the early twentieth century. Empires present particular problems of constitutional law, in particular the relationship between center and periphery. They are arenas in which

conceptions of sovereignty, authority, and regulation are created and fought over. They are also sites of conflict over membership, commerce, and the rights of colonized peoples. We will read works by historians, political scientists, and legal scholars that situate these issues in the context of particular empires, in both the Atlantic and Pacific worlds.

Three seats are reserved for non-law students. Prospective students who are not law students should send to both instructors a brief statement indicating their reasons for interest in the course.

Graded Pass/Fail.

Autumn 2015, Winter 2016, Spring 2016 - Alison LaCroix; Jennifer Pitts

Greenberg Seminar: Meritocracy?

LAWS 95902 - 10 (1, 0, 0) a, x

What does a meritocracy look like? Is it related to democracy – and, if so, how do Chinese or other forms of meritocracy differ from ours? By the third seminar we will move to sports (pure meritocracy, it would seem – but what about accommodating disabilities and what of artificial enhancements that are against the rules?). Does the law regarding employment tests, not to mention law school itself, fit common sense notions of meritocracy? Are markets meritocratic or is that something different? If these questions interest you, then please join us (subject to registration space), but be sure your Thursday evenings are free in the Autumn and Winter Quarters.

Credit may not be allocated to Spring.

Graded Pass/Fail.

Autumn 2015, Winter 2016, Spring 2016 - Saul Levmore; Julie Roin

Greenberg Seminar: Plutocracy

LAWS 95902 - 09 (1, 0, 0) a, x

Plutocracy means “rule by the wealthy.” It is firmly rejected by modern democratic principles, yet over the last decade influential commentators have argued that plutocracy has reappeared around the world, including in the United States and Europe. We will discuss whether plutocracy really exists, and if it does, why, and what can be done about.

Our tentative reading list includes Jeffrey Winters, *Oligarchy*; Scott Radnitz, *Weapons of the Wealthy: Predatory Regimes and Elite-Led Protests in Central Asia*; Chrystia Freeland, *Plutocrats: The Rise of the New Global Super-Rich and the Fall of Everyone Else*; David Rothkopf, *Superclass: The Global Power Elite and the World They Are Making*; and Robert Frank, *Richistan: A Journey Through the American Wealth Boom and the Lives of the New Rich*.

Graded Pass/Fail.

Autumn 2015, Winter 2016, Spring 2016 - Eric A. Posner; David A. Weisbach

Greenberg Seminar: Satan in Law and Literature

LAWS 95902 - 06 (1, 0, 0) +, a

The Prince of Darkness (aka Lucifer, Satan, Mephistopheles, The Old Man Down the Road, and many other aliases) has left a deep mark on all the arts, not least on literature. He is an irresistible magnet for performers, from Samuel Ramey to Jack Nicholson and Mick Jagger. And his cult remains vigorous in the United States, posing numerous challenges for law. We propose to study some leading works of literature in the tradition of Satanology, including works by Dante, Marlowe, Milton, Goethe, and John Updike. We will then look at recent cases involving the claims of Satanists.

Prospective students should send to both instructors a statement indicating your background in literature and your reasons for interest in the course.

Graded Pass/Fail.

Autumn 2015, Winter 2016, Spring 2016 - Martha C. Nussbaum; Richard A. Posner

Greenberg Seminar: Slavery and its Aftermaths

LAWS 95902 - 11 (1, 0, 0) a, x

The legacy of American slavery looms today behind many public policy discussions about inequality, race, education, and housing policy. In this Greenberg, we aim to deepen understandings of slavery and its legacies, paying particular attention to economic issues. We will read inter alia histories of American slavery, Jim Crow, and peonage.

Graded Pass/Fail.

Autumn 2015, Winter 2016, Spring 2016 - Daniel Abebe; Aziz Huq

Greenberg Seminar: The Future

LAWS 95902 - 12 (1, 0, 0) a, x

This seminar examines both fictional depictions and non-fictional predictions about the future. Drawing from film, literature, and academic scholarship we will explore themes that include the rise of artificial intelligence, apocalyptic predictions, time travel, and dystopian societies, as well as the role of law and government.

Autumn 2015, Winter 2016, Spring 2016 - Anthony J. Casey; Erin M. Casey

Greenberg Seminar: The Natural History of Chicago

LAWS 95902 - 08 (1, 0, 0) a, x

Since the arrival of European settlers in the late 17th Century, human activity has worked great changes on the environment of the Chicago region, and yet, the environment continues to influence human – especially economic – activity in the region. This seminar will examine the interaction of economic development and ecological systems in the Chicago region. Topics may include the influence of Daniel Burnham’s “Plan of Chicago” and contemporary debates about the use of Chicago’s public spaces, prairie restoration and its controversies, and the future of the Great Lakes watershed. At least one of the seminar’s meetings will occur at and

include a tour of a Cook County Forest Preserve; students will be responsible for arranging their own transportation to the Preserve.

Meets Autumn 2015 and Spring 2016 only (credit cannot be allocated to Winter).

Graded Pass/Fail.

Autumn 2015, Winter 2016, Spring 2016 - Thomas J. Miles; Mark N. Templeton

Greenberg Seminar: Wine and the Law

LAWS 95902 - 07 (1, 0, 0) a, x

This seminar will consider the law and politics of wine production and regulation in the US and elsewhere. There will be an empirical research component.

Graded Pass/Fail.

Autumn 2015, Winter 2016, Spring 2016 - Thomas Ginsburg; Jonathan Masur

Growth, Inequality, and the Welfare State

LAWS 74102 - 01 (3) +, r, w, x, m

This seminar will examine the dynamics that drive growth, the long-term evolution of inequality, and the concentration of wealth. In its institutional dimension, the seminar will analyze how the patterns of growth and inequality are correlated with the development of legal institutions (e.g., property rights, the law of contract, and the law of business organizations) and the welfare state. While the seminar will focus on cross-country analysis, special emphasis will be given to the study of growth and inequality in the United States. Topics will include: (i) economic theory background, (ii) patterns of growth, (iii) markets and contracts, (iv) torts and government insurance, (v) business organizations in incomplete markets, (vi) the minimal state and the provision of public goods, including infrastructure, education, and health care.

Spring 2016 - Saura Masconale

Hate Crime

LAWS 53704 - 01 (3) w, x, m, l, c/l

This seminar will provide students with an overview of hate crime. The seminar will explore the emergence of modern hate crime laws in the United States and the legal controversies surrounding them. We will examine the challenges of data collection and the impact of data on policy analysis. Law enforcement and hate crime prosecution will be reviewed. The seminar will also consider the limits of the legal system to effectively address hate crime through conventional methods and discuss alternative options.

Grading will be based on class participation and a final research paper.

Autumn 2015 - Cynthia Shawamreh

Health Law and Policy

LAWS 78801 - 01 (3) w, c/1

This course will explore various 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 third of the course will focus on how these programs seek to resolve the tension between controlling costs, promoting quality, and assuring access. We will next address other federal legislation affecting the delivery of health care, including the Affordable Care Act. We 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 explore issues relating to the behavior of physicians, hospitals, and nursing homes. This exploration will focus on the impact of the antitrust, labor, and tax laws on these entities. The goal of the course is to expose the student to the conflicting law and policy issues that impact on the delivery of health in this country.

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

Autumn 2015 - Jack R. Bierig

Higher Education and the Law

LAWS 52102 - 01 (3) w, x, m, l

This class will look at the law and its relationships to higher education. What does society expect from higher education and how does the law reflect those expectations? Further what does higher education expect from the law? What is academic freedom and how is it viewed by the courts. To examine these questions the class will focus on a number of current issues that are central to higher education including sexual assault, hate speech, affirmative action and faculty selection and retention.

Autumn 2015 - Arthur M. Sussman

Hinton Moot Court Competition

LAWS 99911 - 01 (0, 0 or 3, 0 or 3) +, a, w

The Hinton Moot Court Competition is open to all second- and third-year students (except those third-year students who made it to the semi-finals during the previous year). The competition provides students the opportunity to develop skills in writing and appellate advocacy. Moot Court participants advance through three rounds.

The Fall Round: The focus of the preliminary round is on oral argument—no brief writing is required at this stage. After studying the briefs and record of an actual case and participating in practice arguments with student judges, each competitor must argue both sides of the case to panels of local alumni attorneys.

Approximately 12-14 students advance to the semi-final (Winter) round.

The Winter Round: The students who have advanced to the semi-final round must brief and argue a new case during the Winter quarter. A panel of faculty members judge the semi-final arguments and select the four best advocates on the basis of their written and oral advocacy skills. Semifinalists are recognized as winners of the Mulroy Prize for Excellence in Appellate Advocacy.

The Spring Round: The four finalists work in teams of two on another new case during the Spring quarter. A panel of distinguished judges, usually federal appellate judges, presides at the final argument before the Law School community. The winning team is awarded the Hinton Cup; the runners-up are awarded the Llewellyn Cup.

Students participating in the semifinal round may be eligible for three pass/fail credits and may satisfy the WP graduation requirement. Please see the Student Handbook for additional details.

Autumn 2015, Winter 2016, Spring 2016 - Thomas Ginsburg

Historic Preservation Law

LAWS 61302 - 01 (2) x, m, l

In this seminar on historic preservation law, we will study the rationale for preserving historic resources; the tension between private property rights under the constitution and the public benefit of preserving our historic heritage; the standards for designating landmarks; federal, state and local laws regulating landmarks; tax and other financial incentives to encourage preservation of historic buildings; and governmental regulation of historic churches. The Law School's historic Eero Saarinen building will illustrate the issues arising in using and rehabbing older structures for modern uses.

Prior courses in land use or real estate are helpful.

Your grade will be based upon short reaction papers and your participation and attendance.

Spring 2016 - Richard F. Friedman

Housing Initiative Clinic

LAWS 95013 - 01 (1, 2, or 3 per quarter, 9 maximum) a, s

The Housing Initiative is a transactional clinic in which students provide legal representation to community-based housing developers, tenant groups, and other parties involved in affordable housing development. Students serve as deal lawyers, advising clients on structuring issues; negotiating, drafting and reviewing construction loan documents, construction contracts, purchase and sale agreements, partnership agreements, and other contracts; securing zoning and other governmental approvals; assisting clients in resolving compliance issues under the applicable state and federal housing programs; and participating in the preparation of evidentiary and closing documents. Some of our work also involves community organizing and legislative and policy advocacy around affordable housing and public housing issues. In addition to working on specific transactions

and projects, students in the Housing Initiative Clinic meet as a group in a weekly seminar in autumn quarter, and periodically during winter and spring quarters, to discuss the substantive rules and legal skills pertinent to housing transactions and to examine emergent issues arising out of the students' work.

During the Autumn quarter seminar, returning clinic students need only attend the first hour; new students should attend for the full two hours.

Academic credit for the Housing Initiative Clinic 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 2015, Winter 2016, Spring 2016 - Jeffrey E. Leslie

Human Rights: From Morality to Law

LAWS 96106 - 01 (3)

Human rights are a dominant but highly contested feature of ethical, political and legal thinking in the era ushered in by the Universal Declaration of Human Rights of 1948. This subject explores the many pressing questions raised by these rights from the point of view of contemporary moral, political and legal philosophy and applies the resulting insights to the understanding and evaluation of international law as a means of realizing human rights. The course will address questions such as the following: (1) The nature of human rights: are human rights fundamentally moral, legal, or political in nature? Are they best understood as universal moral rights or triggers for foreign intervention or benchmarks of state legitimacy? Should we think of human rights as continuous with what were formerly called 'natural rights', or are they a *sui generis* notion that came into prominence, as some historians have argued, in the 1970s. (2) The foundations of human rights: Are they based on dignity, interests, God's love for humans, or some other value? (3) The subjects of human rights and the bearers of associated duties How do we determine who has human rights and who bears the associated duties? (4) Conflicts involving human rights and their relations to the common good. Can human rights conflict with other values and how should such conflicts be resolved? (5) Ethnocentrism and cultural pluralism: Are human rights compatible with cultural pluralism? Can they avoid the charge of Western ethnocentrism? (6) The legalization of human rights. What determines the extent and manner to which human rights should be legalized? Is international human rights law legitimate in light of the claims of state sovereignty? (7) The sources of international law. Can we give an adequate account of when human rights norms acquire the status of customary international law or *jus cogens*? (8) The enforcement of international law. To what extent may human rights be effectively and legitimately enforced through military intervention and criminal punishment. We will discuss these topics by drawing on important recent work on the philosophy, politics and law of human rights.

Spring 2016 - John Tasioulas

Immigration Law

LAWS 50001 - 01 (3)

This course explores the U.S. immigration system. The course will focus on the federal laws and policies that regulate the admission and exclusion of immigrants. Topics covered will include: the visa system, deportation and removal, the law of asylum, the role of the states in regulating migrants, and proposed reforms to the immigration system. The course will also consider how immigration law connects to both constitutional law and foreign policy.

Spring 2016 - Adam Chilton

Immigration Policy

LAWS 96504 - 01 (2) x, m

This seminar will explore immigration policy in the United States and other countries around the world. The seminar will specifically focus on examining which policies are effective and potential reforms to existing policies that are failing. The seminar will explore topics including the financial consequences of immigration, the impacts of efforts to police immigration, the consequences of guest worker programs, and the determinants of public opinion on immigration policy. Specific attention will be given to studying immigration policy in a comparative context.

Winter 2016 - Adam Chilton

Independent Research

LAWS 49901 (1, 2, or 3) +, r, w

Second-year, third-year, and LL.M. students may earn course credit by independent research under the supervision of a member of the faculty. Such projects are arranged by consultation between the student and the particular member of the faculty in whose field the proposed topic falls.

Autumn 2015, Winter 2015, Spring 2015 - Faculty

Innovative Solutions for Business, Law, and Society

LAWS 91304 - 01 (3) w, x, m, l

Many business, legal, and social problems cry out for the kind of imagination typically found in the fields of art, design, and invention, yet very few of us take time to cultivate the analytic and creative skills that give rise to truly innovative solutions. In this seminar, we will apply "design thinking," originally developed by the founders of IDEO (the design firm behind Steve Jobs and Apple), and a variety of related techniques, to important business, legal, and social problems.

In business, we will look at how successful innovators obtain breakthroughs and then practice the techniques on simple challenges such as inventing a new product. We will then progress to larger, more complex challenges like designing an organization that invents streams of new products. In law, we will first examine why corporate clients hold creative lawyers in the highest regard. We will then take

up a challenge faced today by many corporate legal departments – how to develop a system that ensures compliance with the Foreign Corrupt Practices Act (FCPA) while still permitting fast growth in the world’s riskiest emerging markets. To further explore design in the area of law, we will look at legal education and determine how design thinking could lead to more imaginative and meaningful reform. In the area of social impact, we will look at how society can enable universal access to potable water and consider new approaches to building sustainable, green cities amidst the new surge in urbanization taking place in India, China, and the developing world.

Grading will be determined by class participation and by performance across three papers. The first paper will examine best practices in innovation. The second paper will focus on a specific case in business or the legal profession. The third paper will address a large-scale problem such as climate change, political polarization, North Korea, or the rejuvenation of Chicago’s South Side – and will require students to work in teams and present their work to the class at the conclusion of the seminar. Winter 2016 - Tom J. Manning

Institute for Justice Clinic on Entrepreneurship

LAWS 67613 - 01 (1, 2, or 3 per quarter, 9 maximum) +, a, s

The Institute for Justice Clinic on Entrepreneurship, or IJ Clinic, provides legal assistance to low-income entrepreneurs who are pursuing the American Dream in spite of legal obstacles. IJ Clinic students develop practical skills in transactional lawyering while helping creative entrepreneurs earn an honest living, innovate, and build businesses that build neighborhoods. Students advise clients on issues such as business formation, licensing, zoning, strategic relationships, intellectual property protection, and regulatory compliance. Students become trusted advisors for their clients and have the opportunity to consult with clients on business developments; draft and review custom contracts; negotiate deals; research complex regulatory schemes and advise clients on how to comply; and occasionally appear before administrative bodies. Students may also work on policy projects to change laws that restrict low-income entrepreneurs. Policy work may involve legislative drafting, lobbying, and community organizing.

Academic credit varies and will be awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff.

The seminar Entrepreneurship & The Law is a pre- or co-requisite unless a student has received special permission from the IJ Clinic instructors.

A commitment of at least two quarters is required.

Autumn 2015, Winter 2016, Spring 2016 - Elizabeth W. Kregor; Salen M. Churi

Intellectual Property-based Finance and Investment

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

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

Autumn 2015 - Michael D. Friedman

Intensive Trial Practice Workshop

LAWS 67503 - 01 (3) +, s, u

This is a required class for participation in the Criminal Juvenile Justice, Employment Discrimination, Exoneration and Police Accountability Projects. This class is strongly recommended for participation in the Federal Criminal Justice Project.

This class 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 class concludes with a simulated jury trial presided over by sitting state and federal court judges.

This class is open only to J.D. students entering their 3L year and limited to 48, with preference given to students who have been accepted into a Litigation Clinic.

Completion of this class partially satisfies one of the requirements for admission to the trial bar of the United States District Court for the Northern District of Illinois. Students who have taken Trial Advocacy (LAWS 67603), Poverty and Housing Law Clinic (LAWS 90512), or Trial Practice: Strategy and Advocacy (LAWS 91702) may not take this class. This class is offered for approximately six hours/day before the beginning of the Autumn Quarter. The Autumn 2015 Workshop is scheduled from 9/14 through 9/25, and the final trial is scheduled for Saturday, September 26.

The student's grade is based on a compilation of daily performance evaluations.

The credits count towards the Autumn 2015 total number of credits cap.

The class does not count towards the 2015-2016 Seminars/Simulations classes cap.

Autumn 2015 - Herschella G. Conyers; Craig Futterman; Randolph Stone

International Business Transactions

LAWS 44401 - 01 (3) w, s, x, m, l

This seminar provides a detailed review and analysis of a number of business transactions in a complex international setting. The documents underlying these transactions include: (i) an acquisition agreement, (ii) a joint venture agreement, (iii) an outsourcing agreement and (iv) a license agreement. These documents will be reviewed in the context of these transactions, which involve business entities in several countries.

Students will be asked to identify and address key legal issues. They will be asked to analyze, draft and revise key provisions of these agreements and determine whether the drafted provisions achieve the objectives sought.

Students will be graded based upon the quality of their preparation for and participation in the seminar and their work product in connection with several drafting assignments.

Spring 2016 - Alan D'Ambrosio

International Commercial Arbitration

LAWS 94602 - 01 (2) s, x, m, l

The objective of this seminar is to familiarize the student with what has emerged as the primary means of resolving cross-border and multi-jurisdictional commercial disputes in today's global economy. Through this seminar, the student will explore the similarities and differences between international arbitration and the procedures used in common law (i.e. the U.S. and U.K.) and civil law (i.e. most of Europe, Asia and Latin America) systems. The student will develop an appreciation for the cross-cultural nature of international transactions and disputes and attain a certain facility with key international arbitration rules, multi-lateral treaties, and arbitration provisions. Through review of relevant court decisions, the student will develop an appreciation for the interplay between the arbitral authority and the national courts. Students will learn when and why to enter into arbitration agreements as well as how to initiate proceedings and select arbitrators, present evidence and contest and enforce awards. This seminar will be interactive with some experiential work, including negotiating, drafting, and oral advocacy in addition to class discussion.

Booth students do not require instructor consent in order to submit a registration request.

The student's grade will be based upon in-class participation and a take-home final exam.

This course is highly recommended for students interested in negotiating international transactions and resolving the disputes arising thereunder.

Autumn 2015 - Michael L. Morkin

International Environmental Law

LAWS 92702 - 01 (3) w, c/l, x, m, l

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

The student's grade will be based on class participation and a major paper. Writing for this seminar may be used as partial fulfillment of the J.D. writing requirement.

Spring 2016 - Georgie B. Geraghty

International Human Rights Clinic

LAWS 67913 - 01 (1, 2, or 3 per quarter, 9 maximum) +, a, s

The International Human Rights Clinic works for the promotion of social and economic justice globally and in the United States. The Clinic uses international human rights laws and norms, other substantive law, and multidimensional strategies to draw attention to human rights violations, develop practical solutions using interdisciplinary methodologies, and promote accountability on the part of state and non-state actors. The Clinic works with NGOs and other clients to design, collaborate, and implement projects, including litigation in domestic, foreign, and international tribunals, as well as non-litigation projects, such as documenting violations, legislative reform, and drafting reports. Working in project teams, students develop and hone a variety of skills, including international research, legal and non-legal writing, oral advocacy, communication, interviewing, media advocacy, cultural competency, strategic thinking, and transnational lawyering skills. Students also critically examine the substance and application of human rights law and discuss and confront the ethical challenges of working on human rights problems globally. Students are encouraged, but not required, to take a course in international human rights law or public international law. During Autumn quarter only, Clinic students are required to enroll in the 2-credit International Human Rights Lawyering and Advocacy seminar. Clinic instructors may grant permission to join the Clinic to students who are unable to take the seminar due to a scheduling conflict if the students have completed or are concurrently enrolled in human rights course work. Some students may have the option, but are not required, to undertake international or domestic travel in during the break periods. Students in their first quarter of the Clinic must enroll for 2-3 credits; students can enroll in the Clinic for 1-3 credits in subsequent quarters, in accordance with the Law School's general criteria for clinical courses.

Autumn 2015, Winter 2016, Spring 2016 - Claudia M. Flores; Brian S. Citro

International Human Rights Law and Advocacy

LAWS 96205 - 01 (2) s, x, m

This seminar considers major issues in international human rights law and advocacy. It is designed to introduce students to the promotion and protection of human rights through context-driven advocacy mechanisms and strategies. The seminar will provide an introduction to the history of human rights principles and movements, the development of international human rights norms, and an overview of the international, regional and national institutions that develop, interpret and enforce these norms. The remainder of the seminar will evaluate human rights advocacy tools and strategies applied in various political, social and economic contexts. Through case studies and simulated human rights research and advocacy projects, students will develop the skills to conduct international human rights work, including: performing situational assessments; designing and executing field-work and fact-gathering; report writing; interviewing witnesses and victims of abuses; assessing various litigation and non-litigation strategies; conducting effective legal research using diverse sources; developing cross-cultural and context-driven analysis and advocacy skills; and learning to effectively and realistically evaluate achievements and challenges.

Class discussions and readings will expose students to critical perspectives on the international human rights regime, as well as current research methodologies and technologies used to monitor and promote human rights.

Autumn 2015 - Claudia M. Flores; Brian S. Citro

International Investment Law

LAWS 96405 - 01 (2 or 3) r, w

Foreign investment is a central feature of the world economy, and plays an essential role in economic development. It involves a transaction in which an investor in one country ("home state") sends capital to another ("host state"). But in many cases the transaction is subject to what is called in economics a "dynamic inconsistency problem", in which the host state's incentives change once the investment is sunk, and it may want to renege on its promises to the investor. Furthermore, neither side is likely to want any disputes adjudicated in the courts of the other's country. The global investment regime has arisen to help resolve these problems. The regime includes bilateral investment treaties (known as BITs) as well as multilateral agreements that are embedded in broader treaty structures, such as the North American Free Trade Agreement (NAFTA) or the Energy Charter Treaty. This course will introduce students to the operation of the investment law regime, with an emphasis on the tensions between home and host states, the impact of the regime on development outcomes, and the relationship between law and arbitration.

There are no prerequisites.

Autumn 2015 - Thomas Ginsburg

International Tax Policy

LAWS 44601 - 01 (3) r, w, c/1

This class provides an introduction to the policy issues raised by the taxation of cross-border flows of investment and income. In recent years, growing international economic integration has been associated with an increased extent and scope of multinational firms' operations, and with rapidly expanding cross-border investment flows. This class analyzes the tax policy issues raised by these and other related developments. This is not a class on international tax law. While many international tax rules will be introduced and discussed, the focus is on analyzing policy issues using economic and financial perspectives. The class does not require any background in international taxation. It should appeal not only to those with a general interest in taxation and tax policy, but also to those with a background in business law and an interest in the application of economic and financial concepts to the law.

Winter 2016 - Dhammika Dharmapala

International Trade Law

LAWS 48401 - 01 (3)

This course focuses on the law governing international trade. It will specifically focus on the laws established by the World Trade Organization. This will include an in-depth analysis of the treaties, regulations, and case law that govern international trade. The course will both cover the basic principles governing trade law, as well as the trade laws governing intellectual property, environmental regulation, food safety, trade in services, and technical standards. The course will also examine the implication of the international trading regime for developing countries, and the political economy of trade negotiations.

Winter 2016 - Adam Chilton

Introduction to Law and Economics

LAWS 73201 - 01 (3) e, x

This class is an introduction to the economic analysis of law, an approach that has grown rapidly in the last thirty years and now exerts a profound influence on how law is taught and on how courts make decisions. The class will provide you with a set of tools for analyzing transactions and how they are shaped by legal rules, through systematic exposure to the economic way of thinking about law across a variety of legal contexts. These tools are intended to complement, not to challenge, the traditional doctrinal approach to law. The objective is to equip you to use economic reasoning in an informed and critical spirit to analyze cases and transactions of the sort you may encounter in practice. More generally, you should be able to understand and critically evaluate the use of economic analysis in legal scholarship, judicial opinions, and other legal contexts.

Spring 2016 - Dhammika Dharmapala

Introductory Income Taxation

LAWS 44121 - 01 (3) x

This class provides an introduction to federal income tax law, focusing on the taxation of individuals. Topics covered include (but are not limited to) what constitutes income; what is deductible; and the tax treatment of gains and losses, including the role of "basis" and the difference between "realization" and "recognition." Learning to apply the Internal Revenue Code and Treasury Regulations is an important focus of this course. The class often uses the problems posed by the casebook as a focus for class discussion and application of the Internal Revenue Code, Treasury Regulations, cases, and other sources of tax law. Policies underlying the tax law will also be discussed.

This class has no prerequisites.

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

Autumn 2015 - Leandra Lederman

Introductory Income Taxation

LAWS 44121 - 01 (3) x

This course provides an introduction to the essential elements of the federal income tax, with a special emphasis on issues related to the taxation of individuals. The topics covered include the nature, timing and measurement of income, the role played by "basis" in calculating gain (and loss) in transactions involving property, the boundary between personal and business expenditures, and the use of the tax system to provide behavioral incentives and disincentives.

The course stresses the complex interactions between political and administrative concerns in the tax system.

Winter 2016 - Julie Roin

Jenner & Block Supreme Court and Appellate Clinic

LAWS 67301 - 01 (1, 2, or 3 per quarter, 9 maximum) a, s

The Jenner & Block Supreme Court and Appellate Clinic represents parties and amici curiae in cases before the United States Supreme Court and other appellate courts. Students participate in the researching and drafting of merits briefs, amicus briefs, and cert petitions, conduct research on cases that may be suitable to bring to the Court, and help prepare and participate in moots of oral arguments. The clinic is supervised by clinical faculty, by Professor David Strauss, and by members of the Appellate and Supreme Court Practice group at Jenner & Block. Although the clinic's focus is the U.S. Supreme Court, the clinic may also handle cases at the United States Court of Appeals for the Seventh Circuit and the Illinois Supreme Court. U.S. Supreme Court: Theory and Practice (LAWS 50311) is a required pre-requisite for participating in the clinic. Academic credit for the clinic varies and is awarded according to the Law School's general criteria for clinical courses as

described in the Law School Announcements and by the approval of the clinical faculty.

Winter 2016, Spring 2016 - David A. Strauss

Judicial Federalism

LAWS 59903 - 01 (3) r, w, x, m

In this seminar, we will explore the various doctrines that police the line between the role of the federal court system and the often-parallel role of the state courts (or occasionally tribal courts). Those doctrines include, for example, the limits on the subject-matter jurisdiction of the federal courts found in Article III; the Rooker-Feldman doctrine; common-law limitations on federal authority such as those for domestic relations and probate cases; the various abstention doctrines (Pullman, Burford, Younger, Colorado River); the Anti-Injunction Acts; notions of *lis pendens* that apply in both federal and state courts; and "complete" versus defense preemption. Each meeting will involve a discussion of one or more of these doctrines.

Students will write a paper (which can qualify for the substantial writing requirement) for credit in the seminar.

Winter 2016 - Diane P. Wood

Judicial Opinions and Judicial Opinion Writing

LAWS 52003 - 01 (3) w, s, x, m

For many graduates of this law school, their first job is as a judicial law clerk, usually in a federal court of appeals. A few graduates will eventually become judges. More important, many, many graduates will have a litigation practice. As law clerks or judges, they must learn to write judicial opinions. As practicing lawyers, they must learn to think like judges so that they will know how to communicate with them effectively, in briefs and at oral argument: something few lawyers know how to do. The seminar aims to teach law students how to think and write like judges, and so to equip them for a future as law clerks, judges, practicing lawyers--or all three.

Winter 2016 - Richard A. Posner; Robert N. Hochman

Jurisprudence I: Theories of Law and Adjudication

LAWS 47411 - 01 (3) e, x

An examination of classic jurisprudential questions in and around the theory of adjudication: the theory of how judges actually do decide cases and how they ought to decide them. These questions include: Do legal rules really constrain judicial decision-making? What makes a rule (or norm) a rule of the legal system? Are principles of morality legally binding even when such principles have not been enacted into a law by a legislature? (Relatedly, are there objective principles of morality?) When no legal norm controls a case, how ought judges to decide that case? Can there be right answers to legal disputes, even when informed judges and

lawyers disagree about the answer? Are there principles or methods of legal reasoning that constrain judicial decision-making, or is legal reasoning essentially indeterminate, such that a skillful judge can justify more than one outcome for any given dispute? Is judicial decision-making really distinct from political decision-making of the sort legislators engage in? Readings drawn exclusively from major twentieth-century schools of thought - especially American Legal Realism (e.g., Karl Llewellyn, Jerome Frank), Natural Law (e.g., Ronald Dworkin, John Finnis), and Legal Positivism (e.g., H.L.A. Hart, Joseph Raz) - supplemented by other pertinent readings (from Leslie Green, Richard Posner, and the instructor, among others). No familiarity with either jurisprudence or philosophy will be presupposed, though some readings will be philosophically demanding, and the course will sometimes venture into (and explain) cognate philosophical issues in philosophy of language and metaethics as they are relevant to the core jurisprudential questions.

Attendance at the first session is mandatory for those who want to enroll.

Take-home essay exam.

Spring 2016 - Brian Leiter

Juvenile Justice

LAWS 60102 - 01 (2) x, m, c/l

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 class discussion, and a series of short papers and/or blog posts.

Enrollment is limited to 20.

Spring 2016 - Emily Buss

Kapnick Initiative Leadership Effectiveness and Development Lab I: Development

LAWS 75710 - 01 (3) +, a, c/l

Course 75710 is the first of a two-course series. This course develops the self-awareness and leadership effectiveness of the student facilitator to lead the Kapnick Leadership Initiative for the first-year Law students (1Ls). This course uses a team-oriented work environment and a series of classroom presentations and discussions to catalyze students' efforts to develop as leaders. The goal of this experiential lab course is for students to master facilitation skills. Class time is spent working on teams, creating and mastering module content, presenting and leading discussions, motivating and influencing colleagues and 1Ls, giving and receiving feedback, and building relationships. Its two distinct components are: Development (LAWS 75710, see below) and Implementation (see LAWS 75711).

In the Spring Quarter facilitators are focused on personal development. They work with Chicago Booth's Coaches and staff to build their self-awareness and facilitation skills. Facilitators work in their designated four-person squad to select specialties from key leadership topics, then collaboratively develop and master the material to lead different modules and events.

Students do not need to bid for this course. Interested students apply during Autumn quarter of their 2L year and undergo an extensive and competitive application process.

Students are assessed on their ability to develop the requisite knowledge and skills to run the program and their effectiveness at doing so. One component of the grade is based on feedback that facilitators are expected to give and receive from other facilitators. Class attendance in both Spring and Autumn quarters is mandatory. Cannot be taken Pass/Fail.

Numerical grade issued at the end of the Autumn 2016 quarter.

Spring 2016 - Stacey R. Kole

Kapnick Initiative Leadership Effectiveness and Development Lab II: Implementation

LAWS 75711 - 01 (1) +, a, c/1

This is the second of a two-course series to develop the self-awareness and leadership effectiveness of the student facilitator to lead the Kapnick Leadership Initiative for the first-year Law students (1Ls). The series is experiential in nature. Its two distinct components are: Development (see LAWS 75710) and Implementation (LAWS 75711, see below).

The overarching mission of "Implementation" is to deliver an outstanding leadership effectiveness and development program during Autumn quarter for all the 1Ls. Each session for 1Ls is run by a team of four facilitators who are responsible for the learning experience of one Bigelow section. The Implementation phase begins with a Training Camp for the facilitators in early September followed by delivery to the 1Ls during the Law School Orientation and the first few weeks of Law School. The class ends with the successful recruitment of new facilitators for the following year's program.

Students do not need to bid for this course. Students registered for the Spring 2015 quarter course (LAWS 75710) will be automatically registered for this course.

Students are assessed on their ability to develop the requisite knowledge and skills to run the class and their effectiveness at doing so. One component of the grade is based on feedback that facilitators are expected to give and receive from other facilitators. Class attendance in both Spring and Autumn quarters is mandatory. Students receive a single numerical grade for both courses.

Autumn 2015 - Stacey R. Kole

Kirkland & Ellis Corporate Lab Clinic

LAWS 91562 – 01, 02 (2 or 3, 9 maximum) +, a, s, x

The Kirkland & Ellis Corporate Lab Clinic provides students with a forum for working closely with legal and business teams at top-tier multinational companies, leading nonprofits, and smaller entrepreneurial and technology startups. The primary goal of the Corporate Lab is for students to learn practical legal skills, both substantively, in terms of the corporate “building blocks” necessary to understand complex transactions and agreements, and professionally, in terms of implementing such knowledge efficiently and meaningfully within the context of a wide array of careers as lawyers and business leaders. This class mirrors the real world work experience of both litigators and corporate lawyers: students will receive hands-on substantive and client-development experience and will be expected to manage and meet expectations and deadlines while exercising a high level of professionalism. As a result, this class is likely to involve a significant commitment (with a substantial amount of work to be completed outside of class). Clients include Fortune 100 Companies (e.g. Microsoft, Amazon, Northern Trust, Honeywell), Booth New Venture Challenge, non-profits (e.g. Chicago Symphony), and start-ups (including Pritzker-funded companies). Students will be required to sign nondisclosure agreements with participating clients. Corporate Lab students also will have the opportunity to negotiate a simulated transaction across the table from Northwestern Law students as part of the negotiation workshop component of the Corporate Lab (Autumn Quarter).

Please note that (i) students are expected to remain in the Corporate Lab for a minimum of two consecutive quarters, (ii) students may not take the Corporate Lab for more than nine credits, (iii) this offering will not count toward seminar restrictions.

Grades will be based upon participation in the classroom, appropriate attention to client services, collaborative efforts within a team environment, and quality of work product.

3 credits or, with permission of instructor, 2 credits.

Autumn 2015, Winter 2016, Spring 2016 - David J. Zarfes; Sean Z. Kramer; David A. Finkelstein; Maureen A. Mosh; Ellis A. Regenbogen

Labor History and the Law

LAWS 92103 - 01 (3) r, w, x, m

This seminar examines the historical relationship between American workers and the law. It focuses on legal contests over workers’ rights in the courts, legislatures, and administrative agencies during the late-nineteenth and twentieth centuries. Readings explore the ways in which law has shaped labor solidarity, class formation, and strategies for organization and resistance. They also consider the influence of organized labor and of labor law on mobilization for social change, including the movements for civil liberties and civil rights. The seminar concludes

by exploring current trends in American labor relations, including recent efforts to curtail the collective bargaining rights of public employees.

Spring 2016 - Laura Weinrib

Labor Law

LAWS 43101 - 01 (3)

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

The grade is based on a final in-class examination and class participation.

Winter 2016 - Laura Weinrib

Land Use

LAWS 61301 - 01 (3)

Few areas of law have as immediate an impact on our lived environment than the law of land use. This course will provide a broad introduction to the theory, doctrine, and history of land use regulation. Topics will include zoning, homeowners' associations, nuisance, suburban sprawl, eminent domain and regulatory takings. Throughout, we will discuss the ways land use regulation affects land use patterns, economic efficiency, distributive justice, social relations, and the environment.

The grade is based on a final in-class examination.

Spring 2016 - Richard A. Epstein

Law and Advances in Medicine

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

This seminar will address the intersection of medicine, science, and law, focusing on issues related to human research, informed consent, genetic technologies, and other advances in biotechnology.

Enrollment is limited to 10 students.

Students will write a significant research paper, submitted in three stages, which can be used to satisfy the Writing Project requirement and which will count for 50 percent of the grade.

A Writing Project paper can be submitted on the first day of the following quarter. The other 50 percent of the grade will be based on class participation.

Spring 2016 - Julie G. Palmer

Law and Language

LAWS 95905 - 01 (2 or 3) w, x, m, l

This seminar will explore the ways in which contemporary research in linguistics and philosophy of language might inform debates about interpretation within legal theory.

Grades will be based on a series of short reaction papers and class participation (two credits). Students may earn a third credit by writing a 15-page research paper. Spring 2016 - Ryan D. Doerfler

Law and Literature

LAWS 99302 - 01 (2) c/l, x, m, l

Both law and literature use the literary imagination to construct a persuasive and engaging dramatic narrative. The similarities found in legal and literary uses of narrative and the frequency of legal themes in fiction provide the skilled reader many opportunities to better understand both law and literature through a study of their intersection.

In this discussion seminar, we will use the connections between law and literature to examine the development of law and the role of narrative in the practice of law. Through readings and discussion of great literature, we will critically analyze legal themes from their pre-law beginnings as wild justice through the development of law as an institution. We will apply the critical reading skills that are so essential in the interpretation of constitutions, statutes, rules, judicial opinions and documents to the understanding of literary texts, for which they are equally essential. To provide us with imaginative illustrations of legal issues, we will read selections ranging from Beowulf, Plato, Sophocles and Shakespeare, to works by Kafka, Tolstoy and Melville.

Winter 2016 - Randy L. Berlin

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

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

The purpose of this seminar is two-fold. First, the seminar aims to introduce students to the political science literature on courts understood as political institutions. In examining foundational parts of this literature, the seminar will focus on the relationship between the courts and other political institutions. The sorts of questions to be asked include: Are there interests that courts are particularly prone to support? What factors influence judicial decision-making? What effect does congressional or executive action have on court decisions? What impact do court decisions have? While the answers will not always be clear, students should complete the seminar with an awareness of and sensitivity to the political nature of the American legal system. Second, by critically assessing approaches to the study of the courts, the seminar seeks to highlight intelligent and sound approaches to the study of political institutions. Particular concern will focus

on what assumptions students of courts have made, how evidence has been integrated into their studies, and what a good research design looks like.
Winter 2016 - Gerald N. Rosenberg

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

LAWS 90602 - 01 (3) +, w, x, m, l

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 a paper.

Autumn 2015 - Thomas F. Geselbracht; Theodore Novak; Paul W. Shadle

Law and Society

LAWS 69003 - 01 (3)

This course investigates the interrelations between the law and society. Topics include legal change and social change; markets and the moral economy; empirical legal research; compliance, obedience and rationality; the "law in action" and the "law on the books"; inequality and discrimination.

Students are expected to attend the lectures and to complete all required readings. Grading will be based on a take-home exam (100%).

Spring 2016 - Tamar Kricheli-Katz

Law and the Mental Health System

LAWS 47001 - 01 (3) r, w, c/l

The course examines the interrelationship between legal doctrine; procedural rules; medical, cultural, and social scientific understandings of mental disability; and institutional arrangements affecting the provision of services to the mentally disabled. Consideration is given to admission to and discharge from mental health facilities, to competency to consent to or to refuse treatment, to surrogate decision-making for those found incompetent, to the rights of those confined in mental health facilities; to discrimination against the mentally disabled, and to the rights of the mentally disabled in the criminal justice system.

Grades are based on a final paper or a final take-home exam, and class participation.

Autumn 2015 - Mark J. Heyrman

Law of Agency, Partnerships, and Limited Liability Companies

LAWS 44302 - 01 (2) x, m, l

Agency law deals with delegation of authority, vicarious liability and the duties of agents and principals to each other. One important component: Determining when one person's act binds or renders liable another person. Agency principles permeate, and are essential to understanding, a great many areas of substantive law, including contracts, torts, commercial and consumer law, corporation law, franchise law and administrative-regulatory law. This seminar examines the law of agency and also the law of partnerships, as agency principles form the cornerstone of partnership law. We will also consider some commonly used variants of general partnerships, such as limited partnerships and limited liability companies.

The grade in the course is based on classroom participation and a written final examination.

Autumn 2015 - Robert M. Berger

Legal Aspects of Sovereign Debt

LAWS 75404 - 01 (3) w, x, m, l

This proposed seminar will examine the legal aspects of sovereign state borrowing. It will cover the elements of sovereign debt-- with emphasis on borrowing denominated in currencies other than those of the debtor, as well as Euro-denominated borrowings, the key contractual provisions of debt agreements, legal doctrines bearing on sovereign debt (such as sovereign immunity, odious debts and state succession), and the process for rescheduling or otherwise resolving impaired debt. We also will consider the roles of various international bodies, such as the IMF, and proposed international regimes for resolving defaulted debt. Once we have laid that foundation, we will consider the recent cases of Argentina, Greece and the legal aspects of the recently announced ECB bond purchase program. We will use Lastra and Buchheit, "Sovereign Debt Management", Oxford University Press 2014 and other materials to be provided by the Lecturer.

There are no prerequisites for the seminar.

The grade will be based on a paper of approximately 25 pages, as well as on class participation.

Spring 2016 - James Foorman

Legal Elements of Accounting

LAWS 79102 - 01 (1) +, s, x

This mini-course introduces accounting from a mixed law and business perspective. It covers basic concepts and vocabulary of accounting, not so much to instill proficiency with the mechanics of debits and credits as to serve as a

foundation from which to understand financial statements. The course then examines accounting from a legal perspective, including consideration of common accounting decisions with potential legal ramifications. It also analyzes throughout the reasons for and roles of financial accounting and auditing, as well as the incentives of various persons involved in producing, regulating, and consuming financial accounting information. The course will touch on some limitations of, and divergent results possible under, generally accepted accounting principles. 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.

Students with substantial prior exposure to accounting (such as students with an M.B.A., joint J.D./M.B.A. students, and undergraduate finance or accounting majors) may not take the course for credit.

Students may not receive credit for both LAWS 79102 (Legal Elements of Accounting) and LAWS 79112 (Fundamentals of Accounting for Attorneys).

Class will meet for nine sessions over the first three weeks of the quarter, as follows: Monday January 4-Friday January 8 and Tuesday January 19-Friday January 22.

Winter 2016 - John R. Sylla

Legal Profession

LAWS 41002 - 01 (3) p, x

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

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

This class will be capped at 50.

Spring 2016 - Barry S. Alberts

Legal Profession: Ethics

LAWS 41003 - 01 (3) w, p, m, l

This seminar addresses ethical considerations and issues encountered during the practice of law, including strategic, practical, and moral considerations with which attorneys should be familiar. Using materials from casebooks, the rules of professional conduct, and cases or articles of particular interest, we will discuss within the context of the rules the ethical situations that lawyers face. There will be a particular focus on the ambiguities of how to handle particularly difficult issues encountered in the practice of law and the rules and framework to which attorneys can turn in determining how to handle those issues. Throughout the seminar, we will consider certain overarching questions, including:

- a. are lawyers authorized by their duties to clients to lie,

- b. is civility consistent with the duty of vigorous representation,
- c. is social media beyond the rules, and
- d. can there be a conflict without direct adversity.

This seminar will be taught as a participatory class and will use structured hypotheticals.

Students will be evaluated both on the quality of their participation and on the basis of a paper of 20 pages in length on a topic relating to professional responsibility chosen by and of particular interest to the student. Short presentations of the paper may be incorporated into the class.

The seminar will not meet the first week of the Winter 2016 term due to prior commitments. However, we will meet an extra 15 minutes during the remaining weeks to make up this time.

Attendance is mandatory.

Winter 2016 - Hal R. Morris

Legal Transactions--Retail Sector

LAWS 91592 - 01 (3) s, x, m

This seminar addresses the principal legal issues and commercial challenges facing the retail sector. Particular attention will be paid to luxury retailer relations with vendors and other third-party business associates, customers, and investors, the effect of a troubled economy on these relations, and the challenges and opportunities brought about by technology, social media, and e-commerce.

Students will develop an understanding of key licensing, IP (including counterfeit goods), antitrust, corporate governance, and professional responsibility legal issues and practice pitfalls. The instructors will emphasize the practical interplay and tension between commercial realities and legal requirements, and strive to demonstrate the increasing professional burdens and responsibilities to which “in-house” counsel are subject.

At times, the instructors will use a case-study format to emphasize identification and resolution of contract, IP, antitrust, corporate governance, and other issues and risks experienced by luxury retailers.

The instructors also will use actual contracts, retailer policies and practices, litigation and internal-investigation documents.

Senior managers from the luxury retailing industry will join several of the class sessions.

Tony Bangs, formerly, Senior Vice President and General Counsel of the Neiman Marcus Group, will teach this seminar with Professor Zarfes, whose in-house experience was gained as Executive Vice President and General Counsel of Cap Gemini Ernst & Young, and Nate Lutz, Assistant General Counsel at Meijer, a major food retailer.

Grades will be based upon quality of class participation, including participation in negotiation exercises (50 percent), and performance of a group project to be undertaken outside of class and presented in class during weeks seven and eight

(50 percent). The instructors will emphasize quality of oral and written expression and legal analysis.

Spring 2016 - David J. Zarfes; Tony Bangs; Nathan L. Lutz

Legislation and Statutory Interpretation

LAWS 44201 - 01 (3) e, x

Much legal work today involves the close reading and interpretation of statutes or similar texts. This class considers current theories and problems related to the production and interpretation of statutes. The class encompasses political theory and public choice approaches to the legislative process as they relate to legal interpretation. It aims to bolster students' ability to work with statutes in law school and beyond. At the end of the class, students will have a thorough grasp of the production of statutes by the legislative branch and their use by the courts.

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

Spring 2016 - Aziz Huq

Life (and Death) in the Law

LAWS 99403 - 01 (2) x, m

This seminar will explore the various definitions and valuations of life across diverse areas of the law. Readings will include seminal cases in reproductive rights, assisted suicide, right-to-die, and capital punishment. Background readings in related areas, i.e., scientific journals, papers, etc. will also be required. The seminar will discuss policy decision-making including actuarial analysis and social, medical and religious values inherent, implicit or ignored in the legal analysis.

Students will be required to write two response papers, co-draft a statute in one area of law, and participate in jury deliberations.

Grade will also be based on class participation.

Spring 2016 - Herschella G. Conyers

Litigating Financial Disputes

LAWS 52523 - 01 (3) r, w, s, x, m

This seminar will explore the practice, theory, and strategy of litigating financial disputes. These disputes include bankruptcy proceedings, shareholder derivative suits, securities fraud cases, white collar investigations, and suits alleging the breach of financial contracts. On the practical side, the seminar will explore the procedures for choosing and preparing financial experts to testify on valuation and other issues, interviewing and deposing executive officers and investment bankers, and common discovery issues that arise. On the theoretical side, we will explore critiques of the current systems of litigating these disputes and proposals for reform. In all areas, we will consider the strategic implications that lawyers must take into account both in litigating the disputes and in negotiating agreements in ways to avoid future disputes or reduce the risk of losing a dispute if one arises. In general, we will explore the overlap between litigation and transactional work that

is at the heart of these disputes. For example, we will look at cases where litigation positions are used to facilitate leverage in transactions. The seminar's materials will be a mix of court opinions, pleadings filed in actual cases, transactional documents, and academic articles.

Autumn 2015 - Anthony J. Casey

Litigation Laboratory

LAWS 91563 - 01 (3) w, s, x, u, l

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

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

Winter 2016 - James A. Clark; Catherine M. Masters

Local Government Law

LAWS 71701 - 01 (3)

This course examines the law regarding the 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 pays for the services provided, and how these decisions are reached. In the process, it explores the relationship among federal, state, and local governments, with particular emphasis on judicial analysis of the constitutional and statutory basis of those relationships.

The grade is based on a final in-class examination.

Autumn 2015 - Julie Roin

Managing Legal Risk in a Global Economy

LAWS 73913 - 01 (2 or 3) x, m, l

In today's global economy, companies, investors and other economic actors are operating on a cross-border basis more than ever before. As a result, they are faced with the daunting prospect of managing legal, regulatory and other business risks in a multitude of countries across the globe. This seminar will introduce students to the intriguing challenges of managing cross-border legal, regulatory and other risks in today's global and increasingly complex and interconnected economy. The seminar will cover an array of substantive issues including, among other things, anti-corruption, regulation, economic sanctions, managing cross-border liability

risks, tools for the effective resolution of cross-border litigation, including the use of bilateral investment treaties, and the management of political and country risks. The Seminar also will explore the various dimensions of the General Counsel role in today's multinational enterprises, as well as the important relationship between counsel (in-house and external) and company management in effectively managing risk on a global basis.

The seminar will be taught on the basis of readings as well as case studies.

The format of the seminar will depend heavily upon active student participation.

Law students and business students are both encouraged to participate in the seminar.

Students will be graded based upon the quality of their preparation for and active participation in the seminar, as well as the quality of a take home final exam, which involve the preparation of a research paper requiring students to analyze and address a specific fact pattern drawing on the various concepts and issues that will be discussed during the seminar.

This seminar will satisfy part of the lesser of the school's two writing requirements, if substantial research and written work is completed.

Spring 2016 - Javier Rubinstein

Marketing Strategy

LAWS 91525 - 01 (3) x

The objectives of the course are to introduce you to the substantive and procedural aspects of marketing management and to sharpen your skills for critical analytical thinking and effective communication. My goals are:

1. To introduce you to marketing strategy and to the elements of marketing analysis: customer analysis, competitor analysis, and company analysis.
2. To familiarize you with the elements of the marketing mix (product strategy, pricing, advertising and promotion, and distribution), and to enhance your problem solving and decision-making abilities in these operational areas of marketing.
3. To provide you with a forum (both written and oral) for presenting and defending your own recommendations and for critically examining and discussing the recommendations of others.

Effective marketing management results not from simply internalizing marketing facts and institutional detail, but from systematic critical thinking and the reasoned application of several general, underlying principles.

"Whatever be the detail with which you cram your student, the chance of his meeting in after-life exactly that detail is almost infinitesimal; and if he does meet it, he will probably have forgotten what you taught him about it. The really useful training yields a comprehension of a few general principles with a thorough grounding in the way they apply to a variety of concrete details. In subsequent practice the (students) will have forgotten your particular details; but they will

remember by an unconscious common sense how to apply principles to immediate circumstances.”

Alfred Whitehead, *The Aims of Education and other Essays*.

Autumn 2015 - Sanjay Dhar

Mental Health Advocacy Clinic

LAWS 67013 - 01 (1, 2, or 3 per quarter, 9 maximum) +, a, w, s

Mental Health Advocacy teaches a variety of advocacy skills. 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 fifty 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 or contemporaneous enrollment in Law and the Mental Health System is encouraged, but not required, for all students.

See the general rules for all clinical courses for further details concerning enrollment, including the rules governing the award of credit.

There is a mandatory one-credit seminar component for this course which meets once a week during the Autumn Quarter.

Mental Health Advocacy satisfies part of the writing requirement if substantial written work is completed.

Student may enroll in this clinical course for between one and six quarters.

For additional information concerning the Autumn 2015 Combatant Clemency Project, please follow this link: www.law.uchicago.edu/clinics/mandel/mental.

Autumn 2015 - Mark J. Heyrman

Mental Health Advocacy Clinic

LAWS 67013 - 01 (1, 2, or 3 per quarter, 9 maximum) +, a, w, s

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Student may enroll in this clinical course for between one and six quarters.

Winter 2016, Spring 2016 - Mark J. Heyrman

Mergers and Acquisitions

LAWS 42311 - 01 (3) x

In this course we will examine a number of the important legal and practical issues that arise in connection with mergers and acquisitions of U.S. businesses. These include: (1) the differences between mergers and tender offers, and the advantages and disadvantages of each type of transaction; (2) the duties of directors in change of control transactions; (3) special considerations applicable to transactions, such as controlling shareholder buyouts or management buyouts, in which a director, officer or shareholder has a material conflict of interest; (4) disclosure issues in public M&A transactions; (5) issues that arise in connection with hostile takeovers and takeover defenses; (6) the enforceability of deal protection provisions in public merger agreements; (7) issues that arise in connection with merger, stock purchase, and asset purchase agreements; (8) issues relating to fraud claims brought in M&A transactions; (9) problems that may arise between signing an M&A agreement and the closing or termination of the transaction; and (10) issues that arise in connection with preliminary agreements. The course materials will include relevant judicial

decisions as well as examples of disclosure documents and merger, stock purchase and asset purchase agreements.

Grades will depend on a final exam and class participation.

Some of the topics in this course will also be covered in Buyouts, but that course is not a prerequisite for this course and students may take both courses.

Winter 2016 - Scott Davis

Modern Professional Responsibility

LAWS 41018 - 01 (3) p, x

This course satisfies the professional responsibility requirement. It will explore a variety of legal, ethical and real-world issues commonly faced by modern lawyers in their daily practices. It will address the relationship among the Model Rules of Professional Responsibility, the Restatement of Law Governing Lawyers and the Sarbanes-Oxley Act. It will also focus on several noteworthy legal malpractice and securities claims in which lawyers and major law firms were involved. Course materials will include traditional texts and statutory materials, hypotheticals drawn from unreported matters, as well as the results of mock trials and jury focus groups in which the conduct of lawyers was at issue.

Autumn 2015 - Mark D. Nozette

Moot Court Boot Camp

LAWS 99912 - 01 (1) s, x, u

Moot Court Boot Camp has two components: oral advocacy and writing. The oral argument component will cover the basics of appellate oral argument. Students will receive two different cases and prepare and submit argument outlines in advance. During the workshop, students will gain hands-on experience by conducting multiple oral arguments before a variety of alumni and other practicing attorneys, judges, and faculty. The writing component will cover the basics of appellate brief writing. Students will use tight, persuasive writing to bolster arguments. We will focus on strong issue statements, effective headings, and powerful conclusions. We'll also explore sentence structure and word choice. Students will learn to define themes in their writing and carry them into the oral argument. Focused writing, we will learn, promotes successful oral advocacy. This class, which will meet for the weekend of October 17-18, is an optional supplement to the Hinton Moot Court Competition.

The Saturday oral advocacy portion will be held at the offices of Jenner & Block (353 N. Clark Street, Chicago) and the Sunday portion on written advocacy will be held at the Law School.

Credit will be granted upon completion of two judged arguments as part of the Hinton Moot Court Competition. Students who register for this class and fail to participate in the Hinton Moot Court Competition will be withdrawn from this class with a grade of W.

Students will prepare a short, written assignment that we will discuss and revise during class.

There are no prerequisites.

Students may only receive credit for this class once during their Law School career.

J.D. students only.

Does not count towards the yearly seminars/simulation classes limit.

Graded Pass/Fail.

Autumn 2015 - Elizabeth Duquette; Amy M. Gardner

Municipal and State Insolvency

LAWS 73706 - 01 (2) +, x, m

This seminar focuses on the legal issues that arise when a state or municipal government becomes financially distressed, with particular emphasis on the evolution of Chapter 9 of the Bankruptcy Code from the 1930s until the present day.

Students are required to write a series of short papers.

Taking bankruptcy law before or concurrently with this course is useful, but not required.

Winter 2016 - Douglas G. Baird

National Security Issues and the Development of Legal Practice Skills

LAWS 70703 - 01 (3) +, s, x, m, l

This seminar will address current national security issues including presidential power, indefinite incarceration, assassination, electronic surveillance, and cyberwarfare. More than the typical seminar, this class will also focus on helping students develop a range of skills required for successful law practice.

Students will form teams of 2-4 persons.

Each team will present its analysis of a topic to the class and help facilitate class discussion of the topic.

Each team will also submit a short memo on its selected topic.

Constitutional Law I or the equivalent is recommended but not required (and can be taken concurrently).

Spring 2016 - Robert A. Helman

Non-Profit Entities

LAWS 91101 - 01 (2) x, m

This seminar will analyze the rationale for non-profits, the justifications for tax exemption, and the differences between non-profit and for-profit firms. The seminar will focus on the diverse array of legal rules regulating non-profits including special tax treatment, fiduciary duties, and various constitutional issues ranging from free speech rights in solicitation to the right of non-profits to discriminate.

Spring 2016 - Daniel R. Fischel

Opera as Idea and as Performance

LAWS 96304 - 01 (3) c/1, x

Is opera an archaic and exotic pageant for fanciers of overweight canaries or a relevant art form of great subtlety and complexity that has the power to be revelatory? In this course of eight sessions, jointly taught by Professor Martha Nussbaum and Anthony Freud, General Director of Lyric Opera of Chicago, we explore the multi-disciplinary nature of this elusive and much-maligned art form, with its four-hundred-year-old European roots, discussing both historic and philosophical contexts and the practicalities of interpretation and production in a very un-European, twenty-first-century city. Anchoring each session around a different opera, we will be joined by a variety of guest experts, including a director, conductor, designer, and singer, to enable us to explore different perspectives. The tentative list of operas to be discussed includes Monteverdi's *The Coronation of Poppea*, Mozart's *Don Giovanni*, Beethoven's *Fidelio*, Verdi's *Don Carlos* and *Otello*, Puccini's *Tosca*, Wagner's *Lohengrin*, Strauss's *Elektra*, and Britten's *Bill Budd*.

Students do not need to be able to read music, but antecedent familiarity with opera would be extremely helpful.

Spring 2016 - Martha C. Nussbaum; Anthony Freud

Partnership Taxation

LAWS 44301 - 01 (3) +, s, x

A review of the principals of partnership taxation, with an emphasis on the tax consequences of the formation, operation and dissolution of partnerships. Matters discussed include the treatment of leverage, capital accounts, disguised sales, mixing bowls, anti-abuse rules and other aspects of partnership taxation.

Introductory Income Tax is a prerequisite.

Meetings will be held at the offices of Baker & McKenzie, 300 E. Randolph, in the Loop. Dinner is provided.

The grade is based on a final take-home examination.

Spring 2016 - Todd D. Golub; Richard M. Lipton

Patent Law

LAWS 78001 - 01 (3)

This is a basic course in patent law, in which the class is introduced to the governing statutes, core concepts, and influential court decisions. No technical expertise is necessary whatsoever, and students from all backgrounds are 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.

Students from all backgrounds -- technical or not -- are encouraged to enroll.

Spring 2016 - Jonathan Masur

Patent Litigation

LAWS 78004 - 01 (3) +, s, x, m, l

This seminar is a hands-on introduction to patent litigation. Using a hypothetical case, Students will explore the practical application of key patent law and litigation concepts. Students will follow the litigation over the course of the term as counsel for plaintiff or defendant. Students will be asked to produce written work (e.g., pleadings, motion papers, deposition outlines, etc.) and to orally argue motions. Potential topics include motions to dismiss or transfer, discovery disputes, claim construction, expert discovery, summary judgment, and appeals. In addition to oral argument, class will discuss practical and legal topics pertaining to patent litigation, typically to assist in preparation of the next week's assignment.

Prerequisite: Patent Law.

Spring 2016 - Steven C. Cherny

Poverty and Housing Law Clinic

LAWS 90512 - 01 (3 or 4 per quarter, 7 total) a, s

This clinic, conducted over two sequential quarters, exposes students to the practice of poverty law work by giving them the opportunity to work on housing cases at LAF, which provides free legal services to indigent clients in civil matters. Students will spend twelve hours per week in LAF's Housing Practice Group, and may be asked to attend administrative grievance hearings, represent defendants in eviction actions, prevent landlords from performing lockouts or refusing to make necessary repairs, and participate in ongoing federal litigation. All students will be expected to interview clients, prepare written discovery, and draft motions. In addition to working at LAF, students will attend a weekly two-hour class at which they will learn about poverty law, subsidized housing programs, eviction actions, housing discrimination, the intersection between domestic violence and housing, using the bankruptcy code to preserve subsidized tenancies, challenging barred lists and "no trespass" policies, jury trial practice, and the extensive and often misunderstood connection between criminal law and subsidized housing.

Enrollment is limited to twelve students.

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

Each student's grade is based on his or her class participation (30%) and work at LAF (70%).

Winter 2016, Spring 2016 - Lawrence Wood

Poverty Law

LAWS 57402 - 01 (2 or 3) w, x, m, l

In Poverty Law, we will explore the role that lawyers can play in challenging the distribution of wealth in American society. We will focus primarily on the patchwork of government programs we call the “safety net”—such as programs providing cash (welfare), food assistance, and Medicaid. We will deepen our understanding, as lawyers and as citizens, of how such programs, a frequent source of discussion in current media, function in reality. In the process, we will enjoy many opportunities to explore whether and how program structures reflect or reinforce prevailing cultural attitudes and assumptions about program participants—including attitudes and assumptions based on gender and race. We will also debate, from practical, political, legal and ethical perspectives, what government can or should do, when administering safety net programs, to address what policy makers identify as behavioral causes of American poverty.

Spring 2016 - Miriam V. Hallbauer

Power, Status, and Negotiation

LAWS 46703 - 01 (3) s, x, u

This class introduces participants to social exchange theory and its application to negotiations. We first work to understand how structures of networks and resource dependence influence outcomes of negotiated and reciprocal exchange. To do this, we study four components of social exchange theory: resources, power, brokerage, and status. We evaluate questions like, when are actors more likely to resort to coercive power? When are they more likely to resort to reward power? Which is more effective? How does status impact power and exchange outcomes? We then study how negotiation processes may be informed by structure in influencing outcomes of exchange. Here we evaluate when and how actors influence outcomes in their negotiations using information about network structures and resource dependence models. We spend some time understanding process based research from negotiation theory, psychology, and social psychology, and work towards integrating our understanding of structure, process, and outcomes of exchange. Students participate in five negotiation exercises in and out of class, and complete written assignments based on these exercises and the reading materials.

Winter 2016 - Zev J. Eigen

Pre-Trial Advocacy

LAWS 67403 - 01 (2) +, s, x, u, l

This class focuses on fundamental pretrial litigation strategies and skills, including creation and evaluation of legal and factual theories, motion practice, interviewing clients, discovery planning, depositions, and pretrial preparation. The class employs a variety of learning methodologies, including lectures, small group discussions, simulated exercises, and oral arguments.

Students taking Pre-Trial Advocacy are also eligible to enroll in the Intensive Trial Practice Workshop.

Because of the overlap in topics, students are ineligible for Pre-Trial Advocacy if they have taken or are currently enrolled in any of the following litigation clinics: Criminal and Juvenile Justice Project Clinic; Civil Rights Clinic; Police Accountability; Mental Health Litigation Clinic; Complex Mental Health Litigation Clinic; Exoneration Project Clinic; Employment Discrimination Clinic; Abrams Environmental Law Clinic; and Federal Criminal Justice Clinic.

The student's grade is based on class participation and written work product.

Evidence is a prerequisite (may be taken concurrently).

Spring 2016 - Erin E. Kelly

Private Equity in Asia

LAWS 71407 - 01 (3) w, x, m, l

Private equity is expanding rapidly into new regions around the world. Asia, where profound economic change is taking place in countries such as China, India, Indonesia, and Viet Nam, offers attractive opportunities for Western firms seeking to apply their proven investment models. Leading global firms like Carlyle, KKR, and Bain Capital are bullish on Asia and expect their Asian operations to excel in both rate of growth and rate of return – and eventually rival their U.S. and European operations. Such expansion is not without risk, however, and success in Asia requires private equity firms to develop new skills such as partnering with state-owned enterprises, accepting minority investment stakes, dealing with ambiguous legal frameworks, fending off fraud and corruption, and correcting weak corporate governance. Additionally, competition from indigenous firms is threatening to change the landscape - domestic funds are sprouting up in large numbers and increasingly attracting many of the best deals.

This seminar will address current developments in private equity across major countries in Asia. We will examine the rise of the industry in the region, the role of private equity in economic development, and the nature of recent Asian private equity deals. Using case examples, we will evaluate deal opportunities and simulate investment decisions in eight different countries.

Grading will be determined by class participation during the discussion of cases and readings – and by performance across three short papers. The first paper will examine private equity in the macro-context of economic transformation; the second will focus on the evaluation of a recent deal; and the third will address the terms in a prospective deal negotiation.

Autumn 2015 - Tom J. Manning

Private Equity Transactions: Issues and Documentation

LAWS 71402 - 01 (3) +, s, x, m, l

This seminar will examine from a practical perspective the issues and documentation arising in a typical private equity acquisition transaction. The

seminar will follow this type of transaction through its various stages and provide students in-depth and practical experience with common deal issues and drafting contractual provisions to address those issues. The goal of the seminar is to help prepare students for the practical aspects of being a deal lawyer.

Course work will include reading acquisition contracts, cases and legal commentators and weekly written assignments (contract drafting and issue analysis).

Grades will be based on class participation and the written assignments.

Corporations and Contracts are prerequisites.

Winter 2016 - Mark A. Fennell; Stephen L. Ritchie

Privatization in Criminal Law

LAWS 99005 - 01 (2) x, m

A fundamental policy choice in criminal law is the degree to which enforcement institutions are made public or private. This seminar will examine the historic creation of public institutions of criminal investigation, prosecution, and punishment, including the move away from using bounties and rewards to motivate enforcement agents, and recent trends back towards privatization. We will discuss whether such changes are desirable or undesirable, how best to motivate individuals actors in criminal enforcement, the problem of private lobbying against criminal justice reform, and what might be the optimal mix of private and public institutions. Reading topics will include private police, private prosecution, bail bondsmen and bounty hunters, private probation services, shaming sanctions, and private prisons.

Students will write a series of reaction memos.

The grade will be based on class participation and the memos.

Spring 2016 - Richard H. McAdams

Professional Responsibility

LAWS 41016 - 01 (3) p, x

This course will focus on the rules governing the legal profession and practical applications of the rules. Course materials will include the ABA Model Rules of Professional Conduct and a textbook; we may also read supplemental materials from time to time.

Grades will be based on an in-class final exam and a class participation component.

This course will fulfill the professional responsibility requirement.

Winter 2016 - Martha M. Pacold

Project and Infrastructure Development and Finance

LAWS 42512 - 01 (3) +, w, x, m, l, c/l

This seminar is focused on the development and project financing of infrastructure facilities. These transactions feature a wide variety of commercial agreements and financial instruments, legal and financial structuring, and a significant role for

lawyers. Public private partnership structures will be examined. Representative transactions, principally in the energy, transportation and public infrastructure sectors, will be selected for analysis and discussion. Infrastructure projects such as these provide a convenient vehicle for discussion of contractual provisions, structuring parameters, financial analysis, and legal practice issues common to a broad range of business and financial transactions.

The classes will be discussion oriented; grades will be based on 3-4 short papers, an analytical paper of 10- 13 pages based on a case study and class participation.

There are no pre-requisites, although basic corporation law is recommended.

The readings will be taken from textbooks, professional journals, and actual commercial and financial contracts.

A speaker from the financial community with a wide range of experience is expected.

WP requirements may be satisfied with an additional research paper.

Enrollment is limited to 25 students.

Autumn 2015 - Martin D. Jacobson

Prosecution and Defense Clinic

LAWS 67713 - 01 (3 or 4 per quarter, 7 total) a, s

The Prosecution and Defense Clinic provides students with an opportunity to learn about the criminal justice system through: (1) a 2-quarter seminar taught by a former Assistant United States Attorney and a former Federal Defender; and, (2) a clinical placement in either a prosecutor's office or public defender's office. The course will familiarize students with the legal procedures and issues which arise in a typical criminal case as well as ethical and other social justice issues encountered by all criminal justice attorneys and courts. The clinic provides students with a unique combination of substantive criminal law and procedure, ethics, trial practice, and hands-on experience through a clinical placement.

Each student in the clinic will be responsible for securing a field placement and participating in a pre-screened externship program with a federal or state prosecutor or defender office for the winter and spring quarters. Examples include the U.S. Attorney's Office for the Northern District of Illinois or the Public Defender's office in any northern Illinois county. Students will comply with the clinical placement's requirements regarding hours and assignments, and may be expected to research substantive criminal law issues, draft affirmative and responsive pleadings and memos, interview witnesses and clients, assist lawyers with court hearings and where permitted (and with an appropriate 711 license), appear in court under the supervision of practicing attorneys.

Other components of each student's grade are: seminar classroom participation; trial practice exercises; journal entries; and, a 10-page practice paper or research paper. There is no final exam (in either quarter) and students will earn up to seven credits for the course, depending on the placement. Because of the practical

component, the class size will be limited to twelve 2L or 3L students, and requires at least ten students to proceed.

Winter 2016, Spring 2016 - Lisa M. Noller

Public Choice

LAWS 69001 - 01 (3) x

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

Grades will be based on a final examination.

Winter 2016 - Saul Levmore

Public Corruption and the Law

LAWS 68314 - 01 (2 or 3) +, w, x, m, l

This seminar will focus on how governments use the law to prevent and catch public corruption, how the law is sometimes used to protect public corruption, and how one should determine the optimal response to corruption and its consequences. We will examine the substantive criminal laws and sentencing schemes used in the best public corruption prosecutions, ranging from RICO and "honest services" fraud to bribery and extortion laws. We will also examine the laws that create, authorize, or prevent the most effective investigative tools used by law enforcement against public corruption, including wiretap laws and related privacy issues. We will study several key topics within public corruption law, including patronage, its effect on democratic institutions, and its status under the First Amendment; campaign finance reform and whether money in campaigns is protected speech or a corrupting influence (or both); and the relationship between transparency, online access to information, and corruption. We will also consider an economic analysis of public corruption, including questions about whether the level of democracy, and the pervasiveness of corruption in the culture, affect the cost-benefit analysis.

Constitutional Law I and II are recommended pre-requisites.

Students taking the class for 3 credits write one short reaction paper (or short research paper if appropriate), and one major paper.

Those taking it for 2 credits write several short reaction papers.

Spring 2016 - David H. Hoffman

Public International Law

LAWS 72901 - 01 (3)

Public international law mainly focuses on the legal rules created by states to regulate their interactions in international politics. This course explores the formation, application, and enforcement of public international law in world without a centralized executive, legislature or judiciary. The general relationship between international law and international politics will be discussed along with a focus on the interaction between American law and international law. We will begin with the building blocks of the international system—sources of international law, the role of states as actors in international politics, and the relationship between domestic and international law—and move to an evaluation of substantive legal rules in areas such as human rights, the use of force, and international criminal law. Current events will be discussed, where appropriate, to provide additional background to the course.

Winter 2016 - Daniel Abebe

Public Morality and Legal Conservatism

LAWS 78605 - 01 (3) r, w, c/l, x, m

This seminar will study the philosophical background of contemporary legal arguments alluding to the idea of "public morality," in thinkers including Edmund Burke, James Fitzjames Stephen, and Patrick Devlin, and the criticisms of such arguments in thinkers including Jeremy Bentham, John Stuart Mill, and Herbert Hart. We will then study legal arguments on a range of topics, including drugs and alcohol, gambling, nudity, pornography and obscenity, non-standard sex, and marriage.

Non-law students are welcome but need permission of the instructors, since space is limited. We are aiming for a total enrollment of 30, of which up to 10 can be non-law students (no undergraduates), and the rest will be law students, selected by lottery. Non-law students should apply to both professors by December 1, 2015, describing relevant background, especially in philosophy.

Winter 2016 - William P. Baude; Martha C. Nussbaum

Public Opinion, Public Policy, and the Law

LAWS 69002 - 01 (3) r, w, x, m

This seminar will explore the intersection of public opinion, public policy, and the law. To date, questions about whether and how public opinion influences public policy have been addressed primarily by political scientists. But these questions are also vital to several legal domains, in particular constitutional law and election law. In the constitutional law context, the mistranslation of public opinion into public policy may be evidence of a political malfunction that requires judicial intervention. In the election law context, one of the most important functions of elections is to align the preferences of the electorate with the policies enacted by their representatives. The seminar will tackle these complex and interesting issues

through readings drawn from legal scholarship, political theory, and empirical political science.

An effort will also be made to have outside speakers present papers once or twice during the quarter.

Spring 2016 - Nicholas Stephanopoulos

Race and the Criminal Justice System

LAWS 69102 - 01 (2) x, m, c/l

This seminar examines the intersection of race and criminal justice in the United States exploring many of the following topics: racial profiling in law enforcement, police accountability, community policing, prosecutorial discretion and misconduct, performance of defense counsel, jury selection, transfer of children to adult court, juvenile life without parole, mandatory minimums, drug law policy, and the death penalty.

Winter 2016 - Randolph N. Stone

Racism, Law, and Social Sciences

LAWS 54303 - 01 (3) r, w, x, m

This seminar will provide an in-depth study of theories and methods for analysis of racialization in past and present societies. Analyses of the social construction of racial and ethnic identities have facilitated studies of the ways in which social differences are created, maintained, and masked. Subjects to be addressed in this seminar include the interrelation of racializing ideologies with other cultural and social dimensions, such as class, ethnicity, gender, political and legal structures, and economic influences. We will also consider the related histories of biological and genetic concepts of different races within the human species as part of the context of our study of racism operating within social processes.

Requirements for this seminar course include preparation of a research paper and thoughtful class participation. Writing for this seminar may be used as partial fulfillment of the J.D. writing requirement (SRP or WP).

Winter 2016 - Christopher C. Fennell

Religion, Law, and Politics

LAWS 97521 - 01 (3) w, c/l, x, m, l

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

Spring 2016 - Sylvia Neil

Remedies

LAWS 41401 - 01 (2)

The way in which the law responds to violations of rights is no less important than the way in which those rights are allocated. The law of remedies determines the law's response to violations of rights, and in so doing, it delineates their boundaries and gives them legal meaning. Hence, the study of the law of remedies is closely related to the study of the substantive law, each field shedding light on the other. This course focuses on remedies in Contracts and Torts, referring to the goals of the substantive law to better understand the remedial law. It explores the law of damages in both Contracts and Torts and covers topics such as: restitutionary damages; probabilistic recoveries; the relationship between damages and non-legal sanctions; evidential damage; and liquidated damages. The course also covers the remedies of specific performance in Contracts and injunction in Torts and compares and contrasts these remedies with monetary ones. Some of the defenses available to both the breaching party and the wrongdoer, such as mitigation of damages and comparative fault, in Torts and Contracts will also be discussed. This mini-course meets for four weeks (starting January 11 and ending February 4).
Winter 2016 - Ariel Porat

Reproductive Health and Justice

LAWS 46603 - 01 (3) w, x, m, l

This seminar will examine the history and evolution of legal protections for abortion, contraception and other reproductive health care. We will look at state and federal constitutional, statutory and common law theories used to secure and protect these rights. We will explore current threats and growing barriers to access, including ever-expanding assertions of religious beliefs to limit access to reproductive health care. We will also look at advocacy strategies for addressing those threats and barriers.

Grades are based on a final paper and class participation.

Autumn 2015 - Lorie Chaiten

Residential Real Estate Development and the Law

LAWS 44022 - 01 (3) x, m, l

This seminar will guide the student through the twists and turns of a residential real estate development from land acquisition through warranty on the residential unit. We will also examine: rezoning and improvement of the land; governmental agreements and regulation; the joint venture; the contractual relationship with the buyer; and the homeowner's association. All the while, focusing on the myriad of legal issues a developer's attorney encounters along the way. We will study how the law of contracts, real property and land use play an integral role in the residential real estate development. Course materials will include documents from actual transactions such as the acquisition contract, the municipal development agreement, the limited liability company operating agreement, the declaration of

covenants, the lot sale and construction agreement and the plat of subdivision. In addition to these materials, coursework will include analysis of state statutes, municipal ordinances and relevant case law. We will take a hands-on approach to the law of residential real estate development and the transactional documents which effectuate these developments. Coursework will include negotiation and drafting exercises where students will gain real life, practical experience in confronting the issues that arise in the context of these developments.

Enrollment will be limited to 12 students (as well as an even number of students). Grades will be determined on the basis of: class preparation, attendance and participation (1/4); class exercises and written assignments (1/4); and an open book final exam (1/2).

Winter 2016 - Todd Fishbein

Roman Law

LAWS 47702 - 01 (3) r, w, e, x, m

The seminar develops skill in analyzing legal problems according to the processes of the Roman civil law, in contrast with those of the common law, and does not purport to give a comprehensive treatment of its detailed workings. The material provides an outline of the sources and procedure of Roman private law, followed by an examination of the Roman institutional system, the basis of most modern civil law codes. Particular emphasis is given to property and to obligations (contracts and torts).

No knowledge of Latin is required for the seminar.

This class will be assessed via a series of short research papers.

Because this is a 1L elective, it will be graded on the curve usually applied to courses (as all 1L electives are) and will not count against the seminar limit.

Spring 2016 - Richard A. Epstein

Secured Transactions

LAWS 42201 - 01 (3) x

This course deals with the many legal issues that come into play when there are collateralized loans for which the collateral is personal property. Students focus on Article 9 of the Uniform Commercial Code, the Bankruptcy Code, and other related laws. This form of lending is central to our economy, and the applicable legal doctrines are ones that every corporate and commercial lawyer should firmly grasp.

The course is a useful, though not absolutely essential, preparation for Bankruptcy and Reorganization: The Federal Bankruptcy Code (LAWS 73601).

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

Autumn 2015 - Randal C. Picker

Secured Transactions

LAWS 42201 - 01 (3) x

Secured lending is central to our economy, and the applicable legal doctrines are ones that every corporate and commercial lawyer should grasp. Focusing primarily on Article 9 of the Uniform Commercial Code, students will learn about different forms of collateral, how security interests are created and perfected, and the remedies available to secured lenders. This course is a useful preparation for Bankruptcy and Reorganization courses, and will be worthwhile for students contemplating private practice in corporate, commercial finance or bankruptcy/workout groups.

Grades will be based on a final examination.

Open to MBA students.

Winter 2016 - Erin M. Casey

Selected Problems in Complex Litigation

LAWS 93603 - 01 (3) w, x, m, l

This seminar addresses legal and ethical requirements, as well as strategic and practical considerations, around handling multidistrict litigation, including mass tort and complex class actions. Using materials from recent and current cases, the class will discuss topics such as early case assessment, coordination of multijurisdictional litigation, use of dispositive motions, the importance of expert testimony and mechanisms for resolving scientific disputes, resolution options, media coverage of MDLs and bellwether selection methods and trial of bellwether cases. Discussions will involve the Vioxx, Baycol, diet drug, Teflon, and Firestone litigations, among others.

Expectations: This class will be taught as a participatory seminar. Students will not be expected to have already taken a complex litigation course, but should be willing to seek out answers to legal questions as they arise.

Students will be evaluated on the basis of course participation and a written paper. Students will need access to the Federal Rules of Civil Procedure, the Manual for Complex Litigation Fourth (www.fjc.gov/public/home.nsf/autoframe?openform&url_l=/public/home.nsf/inavgeneral?openpage&url_r=/public/home.nsf/pages/470), the website of the Judicial Panel on Multidistrict Litigation (www.jpml.uscourts.gov), and reading materials that I will email to students each week.

Students also will need access to Westlaw and/or Lexis.

Winter 2016 - Adam Hoeflich; Abby Mollen

Seminar in Tax Procedure

LAWS 98701 - 01 (2) +, x, m

This seminar will cover a variety of issues that arise in civil tax controversies and litigation between taxpayers and the Internal Revenue Service, which may take place in any of three federal courts, the U.S. Tax Court (where over 95% of litigated

federal tax cases are docketed); the U.S. district courts; and the U.S. Court of Federal Claims. Topics that will be covered include the federal “tax gap” and issues in tax compliance and enforcement of the tax laws; an overview of the federal tax controversy process, from the filing of a tax return through litigation; a variety of procedural issues that arise in Tax Court litigation, including a high-profile controversy over secret factfinding; and aspects of the strategic choice between the Tax Court and the two “refund” courts.

A general familiarity with the Internal Revenue Code is helpful for this course. Therefore, prior or concurrent enrollment in Introduction to Income Taxation (or equivalent tax background, as determined by the instructor) is required
Autumn 2015 - Leandra Lederman

Seminar on Behavioral Law and Economics

LAWS 51703 - 01 (2) x, m

This seminar will explore a set of frontier issues at the intersection of law and human behavior, including people's conduct under risk and uncertainty; the commitment to fairness; social influences and peer pressure; extremism; adaptation; happiness; discrimination; and judicial behavior. Some discussion will be devoted to the uses and limits of paternalism.

Grades will be based on class participation and a series of short papers.

Spring 2016 - Andrew M. Rosenfield

Strategies and Processes of Negotiation

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

Increasingly negotiation is part of the day-to-day life of managers. The aim of this class is to make students more effective negotiators. Students should leave the class with (1) a structured approach for preparing for and thinking about negotiations; and (2) a refined set of skills for carrying out negotiations. A central part of the class is an extensive set of negotiation simulations. These simulations take students through a variety of negotiations: single and multiple issue; two-negotiator and multiple-negotiator (coalitional); and internal (within organization) and external. In addition, the class includes a number of cases. Lectures, readings, and structured analytical exercises supplement the simulations and cases.

Winter 2016 - George Wu

Structuring Financial Instruments

LAWS 71400 - 01 (2 or 3) +, w, s, x, m, l

This seminar introduces tax, legal, accounting and economic principles relevant to the structuring of complex financial instruments—from forwards, swaps and options to convertible bonds and other securities with embedded derivatives. Throughout the seminar, different products designed to achieve similar economic goals will be examined to highlight the significance of structuring choices and the range of techniques available. For example, there are various products that can be

used to approximate the economics of buying an asset, without an actual purchase of that asset. The seminar will examine how these products are treated differently for tax, securities law, commodities law, bankruptcy, accounting and other purposes, notwithstanding their economic similarity.

Students will develop the ability to optimize transactions by selecting among existing financial instruments or inventing new ones.

The seminar will also include discussion of policy issues.

No specific prerequisites, but introductory income tax recommended, and knowledge of securities law and bankruptcy law helpful.

The seminar will be assessed via a) a series of reaction papers (2 credits) or b) via a full-length research paper (3 credits). Class participation and attendance will be considered.

Spring 2016 - Jason Sussman

Structuring Venture Capital, Private Equity, and Entrepreneurial Transactions

LAWS 71401 - 01 (3) +, s

This course covers tax, legal, and economic principles applicable to a series of interesting, complex, current entrepreneurial transactions, utilizing venture capital or private equity financing, including (1) new business start-up, (2) growth-equity investment in existing business enterprise, (3) leveraged buyout of private or public company (including going-private transaction), (4) use of flow-through tax entity such as S corporation, partnership, or LLC for variety of venture capital or private equity financed transactions, (5) devising equity-based executive compensation program, (6) private equity financed restructuring or workout (in or out of bankruptcy) for troubled over-leveraged enterprise and utilizing troubled company's NOL after restructuring, (7) devising exit scenario for successful venture capital or private equity financed enterprise (such as IPO, SEC rule 144 sale, sale of company, or merger of company into larger enterprise), and (8) forming new venture capital, LBO, or private equity fund.

Substantive subjects include federal income tax, securities regulation, corporate law, partnership law, LLC law, bankruptcy law, fraudulent conveyance law, and other legal doctrines, as well as accounting rules and practical structuring issues (including use of common and preferred stock, subordinated debt, convertible debt, convertible preferred stock, warrants, and options), all reviewed in a transactional context, and with discussion of their policy underpinnings and likely future evolution.

No specific prerequisites, but introductory income tax strongly recommended, entity taxation desirable, and knowledge of corporate law, securities regulation, bankruptcy, and accounting helpful. However, the course book and the course book appendix contain adequate discussion and supplemental precedents for an understanding of the material covered by the course.

The grade is based on a final in-class examination.

Spring 2016 - Jack S. Levin; Donald Rocop

Taxation of Corporations I

LAWS 75801 - 01 (3) +

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

Prerequisite: Introductory Income Tax required except with permission of the instructor.

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

Winter 2016 - David A. Weisbach

Taxation of Corporations II

LAWS 75901 - 01 (3) +, w

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.

Prerequisites: Taxation of Corporations I.

Students' grades based on a final proctored examination or a full-length paper.

Spring 2016 - David A. Weisbach

Technology and Innovation Clinic

LAWS 67601 - 01 (1, 2, or 3 per quarter, 9 maximum) a, s

The Technology and Innovation Clinic provides legal services for start-up ventures that are in residence at the Chicago Innovation Exchange (CIE) at the University of Chicago. Students will represent start-ups and early-stage companies in a broad range of matters encountered by entrepreneurs in the technology and innovation sector. These include entity formation, licensing, intellectual property and licensing of intellectual property, terms of use, privacy, financings, employment agreements, stock options and employee equity, taxation, governance and founders agreements, confidentiality and non-disclosure agreements, preparing for future financing and venture capital transactions, human resources, and sales and procurement agreements. Students will also participate in and present at workshops on legal topics attended by CIE entrepreneurs. Academic credit for the clinic varies and is awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical faculty.

Winter 2016

Technology and Innovation Clinic

LAWS 67601 - 01 (1, 2, or 3 per quarter, 9 maximum) a, s

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Spring 2016

Technology Policy

LAWS 91311 - 01 (2 or 3) x, m

This seminar will look at a mixture of old and new materials on technology and the law, with a special focus on the intersection of antitrust and intellectual property.

We typically read 2-5 recent books.

Students write blog posts on the readings which will be posted on the class blog.

Students will also comment on posts by other students.

The blog postings do not fulfill one of the substantial writing requirements.

By default, this seminar is 2 credits, but you can earn a third credit if you choose to write a meaningful additional independent study paper for 1 credit.

The syllabus for the seminar is at picker.uchicago.edu/seminar/syllabus.htm and the class blog is at picker.typepad.com/picker_seminar/.

The student's grade is based on class and blog participation.

Winter 2016 - Randal C. Picker

Telecommunications and Internet Law

LAWS 64702 - 01 (3)

This is an introductory course looking at the regulatory regimes in the U.S. that apply to telephony (both wireline and wireless) and the infrastructure of the Internet. In particular, this course will explore the legal and policy history behind such regulation and the difficulty of classifying new technologies and applying the existing regulatory regimes to new technologies. This course will not cover mass media regulation (broadcast television and radio, or cable television).

Grades will be based upon class participation, a few short reaction papers, and a final in-class exam.

Spring 2016 - Joan E. Neal

The Chicago Journal of International Law

LAWS 99903 - 01 (1, 1, 1) a, r

The Chicago Journal of International Law, a biannual student-edited journal, is the Law School's newest journal. It publishes short Comments and articles by students and scholars on matters of international law and foreign affairs.

Students gain access to participate as a staff member via the Write-on Competition or via the Topics Access process.

Each student is paired with a faculty member who supervises the writing of the comment.

Students may receive three credits for their work in writing the comments. The comments may also satisfy the SRP graduation requirement.

Please see the Student Handbook for additional details regarding the competition, credits, and the SRP.

For more information on the journal, please visit cjil.uchicago.edu.

Autumn 2015, Winter 2016, Spring 2016 - Thomas Ginsburg

The Constitution Goes to School

LAWS 52204 - 01 (3)

This new course will examine how the Supreme Court's constitutional opinions have both shaped and misshaped the nation's public schools. In 1969, the Supreme Court famously declared that students do not "shed their constitutional rights when they enter the schoolhouse door." Not surprisingly, though, Supreme Court Justices both before and since have bitterly contested the precise scope of students' constitutional rights in the elementary and secondary school contexts. Some Justices, moreover, have concluded that it is typically unwise for the judiciary to enter the educational realm, lest the Supreme Court turn into a schoolboard for the entire nation. Even if such fears are overblown, however, there can be no doubt that the Court's constitutional interpretations have had significant consequences for schools charged with transforming students into citizens. Constitutional topics will include: freedom of speech, establishment of religion, free exercise of religion, searches and seizures, cruel and unusual punishment, due process, and equal protection. Educational topics will include: homeschooling, zero tolerance policies, corporal punishment, school funding, school uniforms, racial desegregation, strip searches, single-sex schools, off campus speech, drug testing, unauthorized immigration, the school-to-prison pipeline, and book banning.

There are no prerequisites for enrollment.

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

Autumn 2015 - Justin Driver

The Financial Crisis of 2008: Law and Policy

LAWS 42503 - 01 (3) r, w, x, m

The financial crisis of 2008 was a watershed in American financial history. We look at the financial crisis and its aftermath from a predominantly legal perspective. Topics include why financial regulators were unable to stop the crisis from happening; how they responded to the crisis; and the policy and legal response to the crisis. Special attention will be given to the legal basis of the crisis response, and to the post-crisis litigation.

Autumn 2015 - Eric A. Posner

The Future of Corporations

LAWS 43306 - 01 (3) w, x, m, l

This seminar will examine the role of corporations in the future. The relationship between corporations and work, consumers, and society at large will be our focus. Questions addressed will include: Should the proliferation of both complex supply chains and on-demand service platforms like Uber change our understanding of the optimal relationship between company and worker? Should we understand the potential relationships between corporations and worker organizations differently in 2050 than we did in 1935? How should we understand the global corporate social responsibility movement? Conscious capitalism? Consumer demand for things like fair trade and worker-owned products? What role should U.S. companies - and in particular tech firms like Google - have in providing goods to those living under authoritarian regimes? Do moral and ethical obligations to workers, consumers, and society follow from the corporate personhood theory articulated in cases like *Citizens United* and *Hobby Lobby*?

Spring 2016 - Heather Whitney

The History of American Federalism: Origins to the Civil War

LAWS 97602 - 01 (2) x, m

This seminar examines the history of American federalism, both as a constitutional value and as a product of intellectual history, from its early modern European antecedents to the Civil War. Topics include the legal and political organization of the colonies and the British Empire, early American federal experiments, the American Revolution, the drafting and ratification of the Constitution, the ideology of union, nullification, secession, and the Civil War.

Readings will come from primary historical sources, secondary sources in history and law, political theory, and cases.

Grades will be based on a series of short response papers and an in-class presentation.

Spring 2016 - Alison LaCroix

The Law and Economics of Natural Resource Markets

LAWS 92704 - 01 (3) x, m, l

Market-based mechanisms such as emissions trading are becoming widely accepted as cost-effective methods for addressing environmental concerns, especially as societies move towards a carbon-constrained future. In the last decade, we have witnessed the expansion of environmental finance to new products - carbon dioxide spot and futures contracts, sulfur dioxide futures and over-the-counter water contracts - that are now fully integrated financial instruments for hedging and speculation. These mechanisms also have potential benefits to address issues in other pressing matters such as water quality, fisheries and biodiversity protection.

Like their commodity, equity and fixed-income predecessors, environmental markets did not start by spontaneous combustion. Their successful evolution required the development of specific legal and institutional infrastructures. Financial innovation in general, and the development of the first organized greenhouse gas market in particular, should be of interest to economists, lawyers, policy makers and members of the capital markets.

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

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

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

Grading will be based on the writing and presentation of a case study during the last class (80%); attendance and participation will account for the balance of the grade.

Spring 2016 - Richard Sandor

The Law and Ethics of Lawyering

LAWS 41014 - 01 (3) p, x, m, l

This seminar, which satisfies the professional responsibility requirement, will consider the law and ethics of lawyering. Working with materials from a leading

casebook, the ABA Model Rules, and supplementary readings, we will devote considerable attention to the question: What does the law that governs lawyering say that I should do. Topics will include conformity to law, corporate fraud, confidentiality, and conflicts of interest. At the same time, we will explore the gap between what the law of lawyering says I should do and what I (all things considered) might think I should do. What different kinds of reasons can a lawyer have for doing or not doing what the law of lawyering says should be done?

Enrollment will be limited to 20.

Students will be evaluated on the basis of participation, a series of short written assignments, and an in-class final exam.

Attendance is mandatory.

Winter 2016 - Clark Remington

The Law and Policy of Climate Change

LAWS 46013 - 01 (2 or 3) r, w, x, m

This seminar will explore scientific, legal, and policy issues relating to climate change. Among other topics, we will explore what types of policy instruments should be used to address climate change, ethical and fairness concerns raised by climate change and by the costs of preventing climate change, how we should think about our obligations to people who live in the future, how the costs of climate change should be incorporated into regulations, the Clean Air Act regulations on climate change, state and local actions, and the negotiations of international treaties (including looking at the positions of countries in the upcoming negotiations in Paris in December 2015).

80% of the grade will be based on reaction papers and (2) 20% on class participation (2 credits). Students have the option of writing a longer paper for either WP or SRP credit instead of writing reaction papers (3 credits).

Autumn 2015 - David A. Weisbach

The Legal and Social Implications of the War on Drugs

LAWS 98704 - 01 (2 or 3) w, x, m, l

The seminar will survey the War on Drugs from President Richard Nixon's declaration in 1970 that drug abuse was "public enemy number one in America" to present. It can be argued that no development in recent times has had a greater impact on our criminal justice system than the War on Drugs. It has led to the passage of increasingly harsh laws and a resulting explosion in our prison population. More Americans are arrested for a drug offense each year—approximately 1.5 million in 2011—than for any other category of crime.

Approximately half of all inmates in federal prison have been convicted of a drug crime. Meanwhile, the War on Drugs has raised significant constitutional issues, and has led to seminal Fourth, Fifth, and Fourteenth Amendment decisions. The seminar will begin by examining arguments for and against drug prohibition and the proliferation of new drug laws in the 1970s and 1980s. We will then discuss the

enforcement of these laws by both police and prosecutors and its effect on civil liberties. After that, we will discuss appropriate punishment for drug offenses, international perspectives on drug control, legalization, and the future of the War on Drugs. Throughout the quarter, we will focus on the social implications of the War on Drugs, including issues of race, gender, class, public health, mass incarceration, and resource allocation. Readings are varied and will include cases, law review articles, legislation, statutes, and policy papers.

Each student is required to write a series of reaction papers in the form of blog posts over the course of the quarter.

Grades will be based on those posts, as well as class participation.

Students wishing to earn three credits must complete an additional research paper.

Winter 2016 - Erica K. Zunkel

The Power to Tax

LAWS 98705 - 01 (2 or 3) +, x, m

This seminar will explore the constitutional limitations on the power of federal, state, and local authorities to lay and collect taxes. Topics will include: the scope of Congress's power under the Taxing and Spending Clause, the Export Taxation Clause, and the Sixteenth Amendment; federal constitutional restrictions on taxation by state and local governments (including the Import-Export Clause, the Equal Protection Clause, and the dormant commerce doctrine); and the constitutional distinction between a tax and a taking. The seminar will place particular emphasis on classic and recent Supreme Court cases addressing tax issues.

There are no formal prerequisites, but Constitutional Law I and Introductory Income Taxation are recommended. Students may choose between a final take-home examination or a research paper.

Spring 2016 - Daniel J. Hemel

The Rise of the Prosecutor

LAWS 47603 - 01 (2 or 3) x, m, l

This seminar explores issues related to the rise of prosecutorial power in the American criminal justice system. We will begin by examining the historical origins of the public prosecutor. The bulk of the seminar will then be devoted to critically examining how the prosecutor has become the most influential actor in today's criminal justice process and debating the normative consequences of that development. In so doing, we will discuss a variety of topics of contemporary significance, including the scope of prosecutorial power, past and current attempts to constrain prosecutorial power, and how prosecutorial power shapes the criminal justice system as a whole. Specific topics are likely to include the vast charging discretion afforded prosecutors (and the various ways in which they utilize that discretion), prosecutorial discretion to decline enforcement of certain laws, the

prosecutor's role in plea bargaining, and the potential impact elections have on prosecutorial power and behavior.

Students will be evaluated based on class participation and a series of reaction papers (two credits).

Students may earn a third credit by writing a short research paper (10-15 pages) in addition to the rest of the coursework.

Spring 2016 - Paul T. Crane

The Roberts Court

LAWS 50312 - 01 (3) r, w, x, m

Co-taught by Professor Lee Epstein and Mr. Adam Liptak (Supreme Court correspondent of the New York Times) with Judge Richard A. Posner and Professors Dennis Hutchinson and William M. Landes also participating, this seminar will examine the contemporary Supreme Court. Topics include the Court's membership; its procedures for selecting cases for review; the role of lawyers, law clerks, and journalists; and doctrinal developments in several areas of the law.

This seminar will meet:

Friday, January 29: 9:00 a.m. to noon; 2:00-4:00 p.m.

Saturday, January 30, 2015: 9:00 a.m. to noon; 2:00-4:00 p.m.

Sunday, January 31: 9:00 a.m. to noon

with an additional session in the Spring quarter for paper presentations.

Winter 2016 - Lee Epstein; Dennis J. Hutchinson; William M. Landes; Adam Liptak; Richard A. Posner

The University of Chicago Law Review

LAWS 99901 - 01 (1, 1, 1) a, r

The Law Review publishes articles and book reviews by leading scholars along with Comments written by students. In addition to participating in the editing and publication of legal scholarship, staff members have the unique opportunity to develop their own skills as writers and scholars.

Students gain access to participate as a staff member via the Write-on Competition (which includes a Grade-on component) or via the Topics Access process.

Each student is paired with a faculty member who supervises the writing of the comment.

Students may receive three credits for their work in writing the comments. The comments may also satisfy the SRP graduation requirement.

Please see the Student Handbook for additional details regarding the competition, credits, and the SRP.

For more information on the Law Review, visit lawreview.uchicago.edu.

Autumn 2015, Winter 2016, Spring 2016 - Thomas Ginsburg

The University of Chicago Legal Forum

LAWS 99902 - 01 (1, 1, 1) a, r

The Legal Forum is the Law School's topical law journal. Its student board annually publishes a volume of articles (by academics and practitioners) and Comments (by students) that focus on a single area of the law. Each fall the Legal Forum hosts a symposium at which the authors of the articles present their work.

Students gain access to participate as a staff member via the Write-on Competition or via the Topics Access process.

Each student is paired with a faculty member who supervises the writing of the comment.

Students may receive three credits for their work in writing the comments. The comments may also satisfy the SRP graduation requirement.

Please see the Student Handbook for additional details regarding the competition, credits, and the SRP.

For more information on the Legal Forum, please visit legal-forum.uchicago.edu.
Autumn 2015, Winter 2016, Spring 2016 - Thomas Ginsburg

Topics in Law and Finance

LAWS 80301 - 01 (2) +, x, m

This is a seminar in law and finance, which will survey recent academic developments in corporate governance and financial regulation. Topics will include: (i) corporate governance models, (ii) board composition and board insulation, (iii) managerial incentives, (iv) incorporation and reincorporation decisions, (v) investor activism and investor opportunism, (vi) corporate governance in banks, (vii) bank regulatory capital, (viii) risk and incentives in banks, (ix) centralization and decentralization in banking regulation. The seminar will also offer a methodological part aimed at providing the necessary tools to interpret theoretical economic models and empirical legal work.

Prerequisite: Business Organizations.

The students' grade will be based on class participation (30%) and reaction papers (70%).

Spring 2016 - Simone Sepe

Trade Secrets

LAWS 45902 - 01 (3) x, m

This seminar will examine the law that governs the protection of trade secrets and other confidential proprietary information. This body of law is typically given short shrift in intellectual property courses, notwithstanding the importance of trade secrecy protection in the 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 case law, to be supplemented by some interdisciplinary readings on trade secrecy protection.

Students will be graded on the basis of short response papers due every other week (some of which will require outside research) and class participation.

Spring 2016 - Lior Strahilevitz

Trademarks and Unfair Competition

LAWS 45701 - 01 (3) x

Course covering federal and state doctrines governing trademarks, domain names, and geographical indications; state law unfair competition doctrines; trademark dilution; publicity rights; and federal registration of trademarks.

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

Autumn 2015 - Omri Ben-Shahar; William M. Landes

Trial Advocacy

LAWS 67603 - 01 (3) +, s, x, u, l

Students will prepare and try a civil lawsuit to a jury. Lectures focus on advocacy skills needed to try a case: opening statements, direct and cross examinations and closing arguments.

Students who have taken LAWS 67503 Intensive Trial Practice Workshop or LAWS 91702 Trial Practice: Strategy and Advocacy may not take LAWS 67603 Trial Advocacy.

Winter 2016 - Tom Dutton; Kevin Van Wart

Trial Advocacy

LAWS 67603 - 01 (3) s, x, u, l

This class will focus on the trial phases of civil litigation. Simulated trial problems designed to promote knowledge of the litigation process and to afford individual experience in selected phases of trial practice will be employed to familiarize students with pragmatic tactical issues and solutions. Written trial materials will be used and instruction will be by lecture, demonstration, and exercise (including a mini-trial).

Students who have taken the Intensive Trial Practice Workshop (LAWS 67503) may not take Trial Advocacy (LAWS 67603).

An understanding of the Federal Rules of Evidence is preferred but not a prerequisite.

Final grades will be based on class participation, performance during courtroom exercises and the mini-trial, and one or more written assignments.

Enrollment is limited to 16 students.

Spring 2016 - Jay Cohen

Trusts and Estates

LAWS 45201 - 01 (3)

This course examines the law governing the transfer of property at death. Using the Uniform Probate Code, Uniform Trust Code, and other Uniform Acts, the course

analyzes (i) intestate succession; (ii) wills (including execution, revocation, interpretation, and contests); (iii) will substitutes (i.e., nonprobate transfers) and planning for incapacity; and (iv) trusts (including creation, fiduciary administration, modification, termination, spendthrift and other asset protection trusts, and charitable trusts).

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

Spring 2016 - Daniel B. Kelly

U.S. Supreme Court: Theory and Practice

LAWS 50311 - 01 (3) s, x, m, l

This seminar will provide an in-depth look at the U.S. Supreme Court, with particular emphasis on the skills required to practice successfully in that forum. Students will not only discuss the Court as an institution, but they will also hone skills needed to navigate the certiorari process and to brief and argue before the Court.

In addition to class participation, students will be graded on a legal brief (generally 15-25 pages in length) and on their performance in a moot court.

The seminar is a prerequisite for participation in the Supreme Court and Appellate Clinic that the Law School plans to establish beginning with Winter Quarter, 2016, unless other arrangements are made with the clinic instructors.

Autumn 2015 - Michael A. Scodro

What Causes Crime?

LAWS 42642 - 01 (2 or 3) x, m

In this interdisciplinary seminar, students will read literature from allied fields including economics, criminology, sociology, psychology, and history in an attempt to understand what causes and reduces crime on both an individual and societal level. In addition to tackling this substantive question, we will discuss how the approaches of these academic disciplines differ and what each has to offer.

The grade is based on class attendance and participation, including a series of short written submissions responding to the readings.

Students may earn a third credit by writing a 15-page research paper in addition to the rest of the coursework.

Winter 2016 - John Rappaport

Workshop: Business Law

LAWS 63912 - 01 (0, 0, 1) a, x, m

This workshop will bring business law scholars to the Law School to discuss their latest works.

The workshop will meet 2-3 times per quarter for 1.5 hours.

Students taking the workshop for credit will write reaction papers for each paper.

Autumn 2015, Winter 2016, Spring 2016 - Anthony J. Casey; M. Todd Henderson

Workshop: Constitutional Law

LAWS 63612 - 01 (1, 1, 1) a, r, w, x, m

This workshop, conducted over three sequential quarters, exposes students to current academic work in constitutional law and theory and other areas of public law. Workshop sessions are devoted to the presentation and discussion of papers from outside speakers, at six to eight sessions to be conducted regularly throughout the academic year.

Enrollment may be limited.

This workshop may be taken for fulfillment of the Substantial Research Paper graduation requirement.

Grading is based on a substantial paper (or two shorter papers) plus brief reaction papers on each of the workshop papers.

As an alternative to writing a long paper, you may write two or more extended reaction papers (i.e., 10-12 pages) to the papers presented in the workshop.

You have to get our approval in advance for this option. We encourage it if you find that you have a lot to say about some of the workshop papers.

If you wish to receive Writing Project (WP) credit for this option, you must submit a draft of each of the two long response papers to us and satisfactorily incorporate our suggestions.

Autumn 2015, Winter 2016, Spring 2016 - Justin Driver; Aziz Huq

Workshop: Judicial Behavior

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

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

By the end of the academic year, students will produce a major research paper on judicial behavior.

The Workshop is limited to twenty law students; interested students should contact Prof. Landes (w-landes@uchicago.edu) by the start of Autumn quarter 2015.

It will meet seven times over the course of the academic year.

Autumn 2015 - Frank H. Easterbrook; Lee Epstein; William M. Landes; Richard A. Posner; Dennis J. Hutchinson

Workshop: Judicial Behavior

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

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It will meet seven times over the course of the academic year.

Winter 2016, Spring 2016 - Frank H. Easterbrook; Lee Epstein; William M. Landes; Richard A. Posner; Dennis J. Hutchinson

Workshop: Law and Economics

LAWS 56012 - 01 (0, 1, 1) a, w, x, m

This workshop, conducted over three sequential quarters, is devoted to the intensive examination of selected problems in the application of economic reasoning to a wide variety of legal questions. Workshop sessions will be devoted to the presentation and discussion of working papers by guests, most of whom are renowned faculty from other institutions. In addition to workshop sessions, which occur approximately every other week, there will be occasional discussion sessions, which will serve as opportunities for students to engage in in-depth, informal discussion of topics in law and economics with the instructor.

This workshop does not require a research paper; grading is based on the completion of a series of reaction papers. Students interested in academic writing in law and economics are encouraged to use this workshop to develop their ideas.

There will be 13 meetings of the workshop (5, 4, 4, in the three quarters, respectively).

Students will be required to submit 12 reaction papers. Each reaction paper is 2-3 pages long, for a total of 24-36 pages.

Students enrolled in the workshop receive two credits; one in Winter, and one in Spring.

Autumn 2015, Winter 2016, Spring 2016 - Omri Ben-Shahar

Workshop: Law and Philosophy: Law and Race

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

This is a seminar/workshop; many of whose participants are faculty from various related disciplines. It admits approximately ten students. Its aim is to study, each year, a topic that arises in both philosophy and the law and to ask how bringing the two fields together may yield mutual illumination. Most sessions are led by visiting speakers, from either outside institutions or our own faculty, who circulate their papers in advance. The session consists of a brief introduction by the speaker, followed by initial questioning by the two faculty coordinators, followed by general discussion, in which students are given priority.

The theme for 2015-16 is "Race and Law." Speakers will include: Derrick Darby (Michigan), Elizabeth Anderson (Michigan), Justin Driver (Chicago), Sally Haslanger (MIT), Charles Mills (Northwestern), Michele Moody-Adams (Columbia), Tommie Shelby (Harvard). Several sessions involve students only, and are led by the instructors. Please see www.law.uchicago.edu/workshops/lawandphilosophy for additional information concerning each session.

Usual participants include graduate students in philosophy, political science, and divinity, and law students.

Students write a 20-25 page seminar paper at the end of the year.

The paper may satisfy the Law School Substantial Writing Requirement.

Students must enroll for all three quarters to receive credit.

Students are admitted by permission of the two instructors. They should submit a c.v. and a statement (reasons for interest in the course, relevant background in law and/or philosophy) to the instructors by e mail by September 20.

Usual participants include graduate students in philosophy, political science, and divinity, and law students.

Autumn 2015 - Martha C. Nussbaum; Derrick Darby; Alexander Prescott-Couch

Workshop: Legal Scholarship

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

This workshop may be taken for a full year (every other week in Winter and Spring quarters) or only in the Autumn quarter. It is open to all students, including JSDs and LLMs. Students registered for the full year are required to either write a paper of publishable quality or revise a previously written paper for publication. The goal is to prepare students for the academic job market. Special attention is paid to topic selection, how to approach working on an original (not synthetic) project, and presentation skills. Students enrolled for the year will be expected to conduct themselves as they would if they were junior faculty members at a top law school, reading and commenting on the work of their peers. Optional lunches to discuss writing will be held throughout the year in the same format as the Faculty Round Table. The goal is to create a learning community that will provide students with the type of scholarly atmosphere the faculty here enjoys. There will be meetings on average every other week during Winter and Spring Quarters.

The Autumn quarter only option is designed for several audiences: (1) students who want to decide if an academic career is for them; (2) students who wish to improve their skills as a public speaker; (3) students who want to improve their skills of critique while reading papers from a wide variety of subject areas; (4) and students who simply enjoy arguing about the law. Each week a young scholar present works-in progress and students play the role of the faculty in a faculty workshop. The class and the professor then provide feedback and suggestions to the presenter on aspects of both presentation style and the substance of the paper.

The AUTUMN ONLY version is graded on the basis of short reactions papers and class participation.

The full-year version may fulfill the WP or the SRP.

Autumn 2015 - Lisa Bernstein

Workshop: Legal Scholarship

LAWS 78711 - 01 (1, 2) a, r, w, c/l, m

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The full-year version may fulfill the WP or the SRP.

Winter 2016, Spring 2016 - Lisa Bernstein

Workshop: Public Law and Legal Theory

LAWS 63402 - 01 (0, 0, 1) a, x, m

Working from a variety of methodological orientations, the workshop examines questions arising at the intersections of public law, legal theory, and interdisciplinary work in law and the social sciences, with an emphasis on politics, legal history, and legal theory. Sessions are devoted to the presentation and discussion of papers by faculty members from other institutions.

Students must enroll for the entire year and will receive one pass/fail credit.

Students are required to read the papers, attend the workshop, ask questions, and to post questions to the online discussion board.

Autumn 2015, Winter 2016, Spring 2016 - Jonathan Masur; Richard H. McAdams; John Rappaport; Nicholas Stephanopoulos; Laura Weinrib

Workshop: Regulation of Family, Sex, and Gender

LAWS 63312 - 01 (1, 1) a, c/l, x, m

This workshop exposes students to recent academic work in the regulation of family, sex, gender, and sexuality and in feminist theory. Workshop sessions are devoted to the presentation and discussion of papers from outside speakers and University faculty. The substance and methodological orientation of the papers will both be diverse.

The grade is based on a series of short reaction papers.

Undergraduates by instructor permission only.

Autumn 2015, Spring 2016 - Mary Anne Case

Writing and Research in the U.S. Legal System

LAWS 79903 - 01 (3) x, m, l

In this seminar, international LLM students learn research and writing skills essential to the practice of U.S. law. Students learn how to use these skills to win arguments, persuade clients and sharpen their own thinking. We discuss and practice the major principles of legal writing in plain English – no jargon, no legalese. The class functions largely as a workshop where we apply multiple research techniques and analyze the impact of various writing styles.

Students meet individually with the instructor throughout the course.

Regular class attendance is mandatory.

Students must complete all assignments before the take-home examination, which determines the student's grade.

This course is open only to LL.M. students and satisfies the legal research and writing prerequisite for the New York Bar exam.

Autumn 2015 - Elizabeth Duquette; Margaret Schilt

Writing and Research in the U.S. Legal System

LAWS 79903 - 01 (3) x, m, l

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Winter 2016 - Elizabeth Duquette; Margaret Schilt

Young Center Immigrant Child Advocacy Clinic

LAWS 65013 - 01 (1, 2, or 3 per quarter, 9 maximum) a, s

The Young Center for Immigrant Children's Rights Clinic combines international human rights, immigration law and children's rights law. Students in the clinic serve as Child Advocate (similar to a guardian ad litem) for unaccompanied immigrant children detained in Chicago. Unaccompanied immigrant children come to the U.S. from all corners of the world, on their own. They are apprehended—typically at the U.S./Mexico border—then detained and placed in deportation proceedings. Law students are appointed to serve as Child Advocate for the most vulnerable of these children and are responsible for advocating for the best interests of the assigned child on issues relating to care, custody, release, legal relief and safe repatriation. Since there is no substantive best interests standard under the Immigration and Nationality Act, students look to state child welfare law and international human rights law, including the Convention on the Rights of the Child and UNHCR Guidelines. In addition, students have the opportunity to engage in legislative and policy advocacy aimed at reforming the immigration system to better protect the rights of children.

Students are assigned to work one-on-one with children at Chicago-area detention facilities. Each student meets weekly with the child, and advocates on behalf of the child with federal officials, immigration judges and asylum officers.

The clinic admits both 2Ls and 3Ls.

Language skills are not required, but students who speak Spanish, Mandarin, Romanian, or American Sign Language are strongly encouraged to apply.

Students who enroll in the clinic must: 1. Participate in a 2-day orientation on Oct. 4 & 5, 2014; 2.

Participate in brown bag lunch meetings. For more information, visit: www.TheYoungCenter.org.

You may also contact Elizabeth Frankel at efrankel@law.uchicago.edu or 773-702-9587 or Maria Woltjen at mwoltjen@uchicago.edu or 773-702-0349.

Autumn 2015, Winter 2016, Spring 2016 - Elizabeth Frankel; Marcy Phillips; Maria Woltjen; Xiaorong J. Wu

