

# THE CURRICULUM

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

## FIRST-YEAR COURSES

**CIVIL PROCEDURE.** 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* Buss, Emily. *Autumn* Samaha, Adam. *Spring* Mitchell, Jonathan. *Spring* Wood, Diane.

**CONTRACTS.** This course, offered over two sequential quarters, addresses the enforceability and interpretation of contractual arrangements, sanctions for their breach, and justifications or excuses for nonperformance. Special attention will be paid to the role of nonlegal sanctions in commercial relationships. The student's grade is based on a single final examination. *Winter*, *Spring* Bernstein, Lisa. *Winter*, *Spring* Baird, Douglas. *Winter* Roin, Julie. *Spring* Posner, Eric.

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

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

**LEGAL RESEARCH AND WRITING.** All first-year students participate in the legal research and writing program under the supervision of one of the six Bigelow Teaching Fellows. The work requires the student to become familiar with the standard tools and techniques of legal research and to write a series of memoranda and other documents representative of the lawyer's regular tasks. In the Spring Quarter, each legal writing section is divided into teams of students to prepare briefs in an appellate case and to argue the case before a panel of judges composed of members of the faculty and practicing lawyers. A prize, the Joseph Henry Beale Prize, is awarded for the outstanding written work in each legal writing section. The Bigelow Fellows also serve as tutor-advisors on an informal basis. *Autumn, Winter, Spring* Abebe, Daniel. *Autumn, Winter, Spring* Balganes, Shyamkrishna. *Autumn, Winter, Spring* Bowers, Josh. *Autumn, Winter, Spring* Efron, Robin. *Autumn, Winter, Spring* Manta, Irina. *Autumn, Winter, Spring* Sharpe, Jamelle.

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

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

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

## COURSE OFFERINGS

**ADMINISTRATIVE LAW.** This course examines the constitutional and statutory framework surrounding the operation and governance of administrative agencies. The first part of the course focuses on constitutional topics, including the non-delegation doctrine, presidential control over administrative agencies, and the delegation of adjudicative authority to non-Article III officers. In particular, it examines whether and to what extent the arrangements that mark the modern administrative state are consistent with the structural objectives that underlie our constitutional system of separated powers and checks and balances. The second part of the course considers the Administrative Procedure Act (APA). In particular, it examines both the safeguards and pathologies

that have emerged after more than a half-century of experience with the APA's prescribed framework for rule-making, adjudication, and judicial review. The student's grade is based on class participation and a proctored final examination. *Autumn* Mitchell, Jonathan. *Winter* Sunstein, Cass.

**ADMIRALTY LAW.** This course will cover the development and scope of this part of the jurisdiction of the federal courts, the role of the Supreme Court in the "common law" development of the substantive law of the admiralty, and several of the main elements of substantive maritime law: maritime torts, industrial accidents, collisions, salvage, and limitation of liability. The student's grade is based on class participation and a final examination. *Autumn* Schmidt, Randall.

**ADVANCED ADMINISTRATIVE LAW AND INSTITUTIONAL DESIGN.** This seminar explores how public and private actors design and implement institutions and decisional strategies to solve intractable problems of fact and policy. The seminar will focus on advanced topics in administrative law, including theories of judicial deference, public choice, and political accountability; it will also touch upon issues of institutional design and analysis within the criminal law and in private law contexts such as incomplete contracting and tort compensation systems. The goal of the seminar will be to understand and critique administrative law and administrative decision-making from both internal and external perspectives, with particular emphasis on the light that private law principles may shed on public law institutions. Students should have already taken a basic course in administrative law or be familiar with general administrative law principles and doctrines. The grade will be based on short analysis papers and class participation. *Spring* Masur, Jonathan.

**ADVANCED CORPORATIONS: MERGERS AND ACQUISITIONS.** We will study the planning of corporate mergers, acquisitions, and reorganizations, examining the application and integration of state corporate law, federal securities law, accounting principles, tax law, labor law, products liability law, environmental law, ERISA, and antitrust law. The goal is to introduce students to practical transaction planning and the art of being a "deal lawyer." We will focus on the problems faced and solved in real-world transactions, considering business and strategic issues as well as legal issues. Grades will be based on class participation, a few simulation exercises, and a standard final exam. Corporation Law is a prerequisite, but may be taken concurrently. *Spring* Henderson, M. Todd.

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

**ADVANCED LEGAL RESEARCH.** The purpose of this course is to enhance students' knowledge of legal sources and to develop their ability to research the law. The course will cover a series of practice areas (federal administrative, corporate and securities, tax, transactional, federal procedure, intellectual property) focusing on the substantive resources and practical research skills for each. Students will select their desired areas of focus in fulfilling the course requirements. Upon successful completion of the course, students will expand their understanding of research resources in a variety of areas, will improve their skills in using legal research tools, and will develop extensive research knowledge in at least one (ideally the student's intended) area of practice. To receive credit for this course, students must complete two of the four research assignments (30% of grade), submit a research paper on a topic approved by the instructor (60% of grade), and attend and participate in all course meetings (10%). If a student completes more than two research assignments, the two highest scores will count towards the final grade. 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. The research paper should be approximately ten pages and is due at the end of the quarter's exam period. The course will be limited to fifteen students with priority to third years. *Winter* Lewis, Sheri.

**ADVANCED TOPICS IN INTERNATIONAL AND FOREIGN RELATIONS LAW.**  
*Spring* Posner, Eric.

**ADVANCED TRADEMARKS AND UNFAIR COMPETITION.** This seminar addresses current issues and developments such as the constitutional foundations and limitations of trademark protection; domain names and cybersquatting; the geographic scope of trademark rights; empirical proofs and elusive harms; dilution, property rights, and misappropriation; the proliferation of subdoctrines; configuration, functionality, and secondary meaning; parody and commercial speech; and the right of publicity. Trademarks and Unfair Competition is a prerequisite for the seminar. A student's grade is based on class participation and either a series of short thought papers totaling at least 25 pages or a major research paper. Students who elect to write a major research paper may receive substantial writing credit if the paper is certified by the instructor as having met additional applicable criteria. Enrollment is limited to twenty-two students. *Winter* Hilliard, David; Widmaier, Uli; Doellinger, Chad.

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

**AMERICAN LEGAL HISTORY, 1607-1870.** This survey course examines major themes and interpretations in the history of American law and legal institutions from the earliest European settlements through the Civil War. Topics include continuity and change between English and American law in the colonial period, the American Revolution and its consequences for state and national law, changing understandings of the U.S. Constitution, the transplantation of the common law, the varied meanings of and

debates over federalism, commerce, the law of slavery, and the constitutional and legal consequences of the Civil War. The student's grade will be based on a take-home final examination and class participation. *Spring* LaCroix, Alison.

**ANALYTICAL METHODS IN LAW.** Familiarity with quantitative reasoning and statistics is increasingly an important part of a lawyer's job. This course will prepare students to apply quantitative tools from economics and statistics to problems of legal importance. Topics covered include decision analysis, game theory, linear regression, common statistical distributions. Applications include litigation, negotiation, environmental law, criminal law, antitrust, damage calculation, and other legal fields. In addition to a main textbook, course material is drawn from legal cases, scientific studies, and journal and newspaper articles. The goal of the course is for students to develop their quantitative intuition through practical application, including the use of computer tools such as Excel. No specific mathematical background is required. A student's grade will be based on class participation, three short assignments, and a proctored examination. *Spring* Abrams, David.

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

**ANTITRUST LAW.** This course provides an introduction to the law of antitrust. The course focuses first on the practices by which competing firms eliminate, or are alleged to eliminate, competition among themselves. The practices considered include formal cartels, price-fixing conspiracies, "conscious parallelism," trade association activities, resale price maintenance, and mergers to monopoly and other types of horizontal merger. The course then looks at the practices by which firms, either singly or in combination, exclude actual or potential competitors from their markets, by means of practices such as boycotts, tying arrangements, vertical integration, and price discrimination under the Robinson-Patman Act. Both price and non-price vertical restrictions are considered. The student's grade is based on class participation and a final examination. *Autumn* Picker, Randal. *Spring* Epstein, Richard.

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

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

**BANKRUPTCY AND REORGANIZATION: THE FEDERAL BANKRUPTCY CODE.** This course studies the Federal Bankruptcy Code, including both the law of individual bankruptcy and the law of corporate reorganization. Topics include the rights of creditors in bankruptcy, the individual's right to discharge, the relationship between bankruptcy law and state law, the treatment of executory contracts, bankruptcy planning, the restructuring of corporations in Chapter 11, and the procedure for confirming plans of reorganization. The student's grade will be based on a proctored final exam. *Autumn* Malani, Anup. *Spring* Morrison, Edward.

**BUSINESS PLANNING.** This seminar develops and applies the student's knowledge of taxation and corporate and securities law in the solution of a series of transactional problems involving typical steps in business formation and rearrangement. The problems include the formation of a closely held company; the transition to public ownership of the corporation; executive compensation arrangements; the purchase and sale of a business; and mergers, tender offers, and other types of combination transactions. Small-group discussions and lectures are employed. The student must have taken (or be taking concurrently) Corporation Law and Taxation of Corporations I or receive instructor approval. The student's grade is based on class participation and a final examination. *Winter* Crow, Keith; Villmow, Keith.

**BUYOUTS.** In this seminar we will examine going private transactions in which publicly held companies are acquired by private equity firms with the participation of the company's management or by controlling shareholders. This is an especially timely topic because management buyouts have become far more prevalent than they were in the past and controlling shareholder buyouts continue to be controversial. Both types of transactions raise conflict of interest issues because some of the company's directors or officers, who are ordinarily charged with obtaining as much as possible for public shareholders in a sale transaction, are instead attempting to buy the company for as little as possible. We will examine the methods that Delaware law has provided for dealing with these conflicts of interest, whether those methods are likely to be effective and whether other methods would be more effective. We will also look at a variety of other issues raised by buyouts, including why they occur, whether they are likely to be beneficial to shareholders in spite of the existence of conflicts of interest, the consequences to society of these transactions and whether there are antitrust issues raised by the manner in which private equity firms bid on these transactions. Finally, we will examine the role of the lawyers who are involved in buyouts. There will be one 20-page paper. Grades will be based on the paper and class participation. The class size will be limited to 30. *Winter* Davis, Scott.

**CHILDREN AND THE LAW.** This course will examine how the law treats children and childhood in civil and criminal legal disputes. It will consider the status, rights and obligations of children when they appear either as actors or subjects in various social and

public institutions (e.g., courts, schools, prisons, families and the workplace). We will explore these issues while considering the fundamental debate of juvenile law: how the legal system should strike the balance between protecting children, respecting parental rights and recognizing children as autonomous and fully accountable persons. There will be a take-home exam and 1-2 short reaction papers. *Autumn* Etienne, Margareth.

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

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

**COMMERCIAL REAL ESTATE LAW.** *Spring* Leslie, Jeff.

**COMPARATIVE CONSTITUTIONAL DESIGN.** *Spring* Ginsburg, Thomas.

**COMPARATIVE CONTRACTS.** *Spring* Effron, Robin.

**COMPARATIVE LAW.** *Winter* Posner, Eric.

**COMPARATIVE U.S. AND JAPANESE BUSINESS LAW.** This intensive course will undertake a comparative study of U.S. and Japanese business law. Topics will be selected from areas of commercial transactions, corporate law, corporate tax, securities regulation, and banking regulation. More specifically, we will look at topics that are highly debated in Japan today, such as hostile corporate takeovers and the role of legal and accounting professionals in corporate governance. The course will examine both countries' laws and regulations against their socio-economic and cultural backgrounds and explore themes underlying these laws and regulations. Class materials and discussion will be in English, and no prior knowledge of particular subject areas is expected. *Winter* Kanda, Hideki.

**COMPETITION POLICY IN THE EUROPEAN COMMUNITY.** This seminar provides an introduction to the law and practice of competition policy in the European Community. It will focus particularly on the economic reasoning underlying competition law in the European Community and differences with the United States. The course first focuses on the objectives of EC competition policy including its German foundations. It will then cover the major areas of EC competition law including cartels and the exemptions for cooperative behavior under Article 81 EC Treaty; abuse of dominance including essential facilities, tying, bundled rebates, and exclusive dealing under Article 82 EC Treaty; and mergers. It will also examine state aid policy under the EC treaty including the rationale for prohibiting state subsidies of industry and the application of state aid by the European Commission and EC Courts. The course will introduce students to the major EC cases, to a few important cases decided under national law, and to recent efforts to reform European competition law to make it more economics- and effects-based. Grade will be based roughly on a paper (25-30 pages). *Spring* Evans, David.

**COMPLEX CORPORATE LITIGATION MANAGEMENT.** High stakes, high visibility corporate litigation creates the need for high quality legal reasoning. It also demands a large team of people with diverse skills and knowledge about such things as team management, economics and the marketplace, good public policy choices, the media and public response, the courts, a jury, the opposition, and the client, just to begin the enumeration. This seminar involves several case studies of litigated disputes involving hundreds of millions of dollars that galvanized the media. The case studies will include a California initiative to roll back auto insurance rates 20%, a corporate governance case involving billions in dividend payments, a class action with allegations of corporate "redlining," and a private attorney general lawsuit in the aftermath of a major natural catastrophe. Students will develop and apply their knowledge to examine critically litigation strategy decisions by all parties at the pre-trial, trial, appellate, and settlement phases of each litigation. Guest conversationalists may include a senior litigator, an expert witness, a company executive, a journalist, or a member of the judiciary. Students' grades are based on class participation and students' choice of either a paper or end of quarter examination. *Winter* Mintel, Judith.

**CONFLICTS OF LAW.** An inquiry into the adjudication of cases connected with more than one state, principally through consideration of choice of law, personal jurisdiction, and respect for prior judgments. A student's grade will be based on a proctored final examination. *Winter* Isenbergh, Joseph.

**CONSTITUTION IN CONGRESS.** Students present papers on constitutional controversies that have arisen in Congress or in the Executive Branch. Past examples include President Jackson's removal of deposits from the National Bank, Nullification, and the annexation of Texas. Prerequisite: Constitutional Law I. This seminar may be taken for fulfillment of the Substantial Writing Requirement. The student's grade is based on class participation and a substantial paper. *Autumn* Currie, David.

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

**CONSTITUTIONAL LAW I: GOVERNMENTAL STRUCTURE.** This course analyzes the structure of American government, as defined through the text of the Constitution and its interpretation. The major subjects covered are the allocation of powers among the legislative, executive, and judicial branches; the function of judicial review; and the role of the states and the federal government in the federal structure. The student's grade is based on class participation and a take-home final examination. *Autumn* LaCroix, Alison. *Spring* Rosenberg, Gerald.

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

**CONSTITUTIONAL LAW III: EQUAL PROTECTION AND SUBSTANTIVE DUE PROCESS.** This course considers the history, theory, and contemporary law of the post-Civil War Amendments to the Constitution, particularly the Equal Protection and Due Process Clauses of the Fourteenth Amendment. The central subjects are the constitutional law governing discrimination on the basis of race, gender, and other characteristics, and the recognition of individual rights not explicitly enumerated in the Constitution. Time permitting, we will also address the constitutional distinction between state and private action. Throughout, students consider certain foundational questions, including the role of courts in a democracy and the question of how the Constitution should be interpreted. The student's grade is based on a proctored final examination. *Winter* Strauss, David.

**CONSTITUTIONAL LAW IV: SPEECH AND RELIGION.** This course covers various aspects of the first amendment, with particular emphasis on freedom of speech and press, religious liberty, and religious establishments. It is recommended that students first take Constitutional Law I. Students who have completed Constitutional Law II are ineligible to enroll in this course. The student's grade is based on a take-home final examination. *Spring* Samaha, Adam.

**CONSTITUTIONAL TRADITIONS IN EUROPEAN LEGAL HISTORY.** This seminar focuses on important constitutional concepts in European Legal History and also their impact on American constitutional history. The seminar examines the emergence, rise and also the historical change of constitutional foundations like the idea of fundamental rights, the rule of law, elections and majority rule, the idea of representation, the legitimacy of taxation or the concept of statehood. The seminar will be based on the reading of textual sources. Students are permitted to write a paper, but a final examination will also be offered as an option. *Spring* Thier, Andreas.

**COPYRIGHT.** This course explores the major areas of copyright law, with special emphasis on how modern technology might challenge traditional copyright principles. Topics include copyright duration, subject matter, and ownership; the rights and limitations of copyright holders, including the fair use doctrine; remedies for copyright infringement; and federal preemption of state law. The student's grade is based on a final examination. *Spring* Picker, Randal.

**CORPORATE CRIME AND INVESTIGATION.** This seminar will explore the processes by which corporations conduct internal investigation. It will touch on the fiduciary duty owed by the directors and board members to the corporate entity and shareholders. The student's grade will be based on class participation and a final exam or paper. Enrollment is limited to 20. *Spring* Guentert, Philip.

**CORPORATE ENVIRONMENTAL BEHAVIOR.** This course will use corporate responses to climate change to examine the legal, economic, and social influences on firm environmental behavior. Environmental regulations impose more than \$100 billion in costs per year on the economy. In addition, much private regulation of firm environmental behavior occurs in the shadow of public environmental laws. The course will draw on theoretical and empirical literature to explore the incentives for firms to comply with environmental laws, to participate in voluntary programs, to adopt environmental management systems, and to address environmental issues in corporate transactions.

The implications for environmental law and policy will be explored. The course will include lecture and class discussion, along with mock negotiations in small group settings. The final grade will be based on class participation and performance on a written examination. *Autumn* Vandenberg.

**CORPORATE FINANCE.** This course examines basic corporate financial matters, including valuation of securities and projects, portfolio theory, returns to risk bearing, the theory of efficient capital markets, the use and valuation of options and derivatives, and corporate capital structure. The course primarily focuses on the financial aspects of these matters rather than on any specific laws governing particular transactions, and the textbook is a basic business school corporate finance textbook. A student's grade is based on a proctored final examination. Students with substantial prior exposure to these issues (such as students with an MBA, joint MBA/JD, and undergraduate finance majors) are ineligible for the course. *Autumn* Weisbach, David.

**CORPORATE FINANCE, BEHAVIORAL FINANCE AND INVESTMENTS.** This is an introductory course covering the basic economics of investments and corporate finance. It begins with usual fundamental topics in courses of this type such as the valuation of debt and equity securities, portfolio theory, the modern understanding of risk and the returns to risk bearing, the theory of efficient capital markets and its critics and a very brief and simple introduction to the valuation of options and derivatives. The course will pay particular attention to the new behavioral implications on these topics with attention to such innovations as prospect theory and other challenges and extensions to traditional finance theory. It then proceeds to provide an overview of the basic legal and financial principles of corporate finance including topics in capital structure. The course primarily focuses on the financial and economic aspects of these matters rather than on any specific laws governing particular transactions. The materials include Brealey and Meyers which is the basic textbook used in introductory courses of this type supplemented by readings covering the core behavioral finance insights. A student's grade is based on a final examination. Students with substantial prior exposure to these issues (such as students with an MBA, joint MBA/JD, and undergraduate finance majors) are ineligible for the course but may petition to take the course as a seminar with the usual paper writing commitment. This introductory course is intended to address the needs of law students without substantial experience in economics and mathematics and there is no requirement that students have background or competency with calculus or statistics. *Spring* Rosenfield, Andrew.

**CORPORATE GOVERNANCE.** The focus of this course is on current topics in US corporate governance. The course adopts primarily an agency-cost perspective, attempting to identify those agency costs that remain in US corporations once the law of fiduciary duty, the constraints of the managerial labor market, and the market for corporate control have done their work. As the materials reveal, there is no consensus about the magnitude of these problems – some view them as significant, others as inconsequential. And, as we will see, still other theorists view the central challenge of corporate governance not as reducing agency costs, but rather as improving the content of corporate decisions by promoting a better flow of information within the firm, putting together more effective management teams and the like. Corporate governance

as a separate topic of study is relatively new. It began to get attention in the early 1980's, which is about the time that large institutional investors began to take a more active role in the companies whose shares they held. Over the past 20 years, institutional share ownership in American Corporations has increased dramatically and is now upwards of 60%. As a window on to current issues of concern, we will look particularly closely at the activities and demands of institutional investors. We will look at their explicit public pronouncements on governance as well as the demands they are making. We will attempt to assess whether or not the changes they are demanding are likely to be value-enhancing for all shareholders, or whether they are likely to be singularly well suited to the needs and interests of institutions. We will also ask whether there are forces outside of value creation that might motivate institutions to undertake the actions that they do. The question is not simple. For example, the first widely publicized corporate governance campaign was on the issue of executive pay, more specifically the amount of executive pay. Now, while it is certainly true that executive pay in America is, by all international standards, and to be fair common sense, rather out of control, it is also true that the effect of these exorbitant salaries on the company's bottom line, translated into a per share amount, is tiny. Why then did institutions find it desirable to spend money on this campaign? Finally, as we begin to explore the topics in this course, we will highlight the tensions between the interests of institutions and the interests of small investors and will explore the effects of collective action and rational apathy problems on governance-related activism and shareholder voting. As we do so we will pay particularly close attention to what, if any, impact the Internet is likely to have on the received wisdom on these subjects. The course materials are designed to promote active discussion and debate. Most sessions will be structured in a seminar format. One will be a mock board of directors meeting. Students will be required to write short papers (2-5 pages) for many class sessions. Some of these papers will focus on answering a direct analytic question posed in the readings, while others will involve more active Internet-based research such as examining and analyzing a particular company's executive compensation plan, discussing a campaign of institutional shareholder activism, and the like. Given the discussion format, class participation will count for 40% of the student's grade. Students who are less comfortable speaking in class may fulfill part of the class participation requirement by cutting out relevant articles from the press and submitting them with short discussions about their implications for the dominant themes of the course. Corporations is a prerequisite for this class. International students in the LLM program who have taken corporations in their home country are welcome, but may need to do some additional reading (provided as an appendix to the course packet) to familiarize themselves fully with American corporate law. Limit 20 students. *Autumn* Bernstein, Lisa.

**CORPORATION LAW.** This course offers an introduction to the economic theory and basic legal principles governing the relationship among managers, investors, and creditors in business enterprises of all sizes. Grades will be based on class participation and a standard final exam. *Autumn* Henderson, M. Todd.

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

**CRIME POLICY.** This mini-course considers the effectiveness and efficiency of public policies to control crime. Emphasis will be placed on exploring the positive questions associated with understanding the costs and benefits of different public policy interventions designed to control crime. Topics covered will include imprisonment, policing, drug policy, and gun control, as well as social policies such as job training, early childhood education, and abortion legalization. *Autumn* Ludwig, Jens.

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

**CRIMINAL PROCEDURE I: THE INVESTIGATIVE PROCESS.** The course focuses on the constitutional law that governs searches, seizures, and confessions. The course considers in detail the evolution of the exclusionary rule and the development and administration of the probable cause and warrant requirements. It also examines stop and frisk, administrative searches, searches incident to arrest, vehicle searches, consent searches, and the admissibility of confessions. The student's grade is based on a final examination. *Autumn* Bandes, Susan.

**CURRENT CONTROVERSIES IN CORPORATE AND SECURITIES LAW.** This seminar deals with the most important developments in U.S. (and to some extent global) corporate and securities practice during the preceding year. The course and discussions provide analysis of the legal, political, and economic implications of these Developments. Each student submits one paper and gives an oral presentation and analysis of another student's paper. *Winter* Shepro, Richard.

**DECISIONMAKING: PRINCIPLES AND FOUNDATIONS.** Individuals, particularly those in leadership positions, are often called upon to make decisions on behalf of others. Such decisions are made in both the public and private spheres and can have enormous influence both on individual lives and on public policy. Lawyers are often called on either to make important decisions themselves or to give counsel to people who make them. The way in which individuals are judged often turns on a handful of decisions they make over the course of their lives, and the way they make these decisions has been the focus of thinkers from Thucydides and Aristotle to Bentham and Kant. It has also been a recurring theme in literature and much of modern economics. The course offers a rigorous study of how philosophers and others have examined these questions, and the tools they have used, including those from behavioral economics and game theory. Included will be discussion of moral dilemmas and of some of the more common pathologies of decision-making: akrasia, self-deception, blind obedience to authority. *Spring* Baird, Douglas; Nussbaum, Martha.

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

**EAST ASIAN LAW.** *Spring* Ginsburg, Tom.

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

breach of contract, and the economics of legal procedure. No prior acquaintance with economics or calculus is assumed; the relevant economic concepts are developed through an examination of particular legal applications. The student's grade is based on a final examination. *Spring* Landes, William.

**EDUCATION AND MORAL PSYCHOLOGY.** This seminar will study some classic works in the philosophy of education, asking what account of children they articulate and how their educational proposals are connected both to psychological analysis and to normative ethical and political ideas. Included will be philosophers such as Plato, Aristotle, the Greek and Roman Stoics, Rousseau, Kant, J. S. Mill, Dewey, and Rabindranath Tagore, but also thinkers about childhood and education who were not professional philosophers, such as Friedrich Froebel, Johann Pestalozzi, Maria Montessori, and Donald Winnicott. We will ask about how education is related to important goals of the personal life, such as happiness and autonomy, but also how it is related to important goals of a shared political life, such as mutual respect and compassionate attention to human need. Enrollment limited to 25. Permission of the instructor required, and this should be sought in writing (email) by September 20. A minimum prerequisite is an undergraduate major in philosophy or the equivalent course work in philosophy. *Autumn* Nussbaum, Martha.

**EDUCATION LAW.** *Winter* Goodwin, Michele Bratcher.

**ELDER LAW.** This seminar focuses on the fundamental issues in elder law. The topics range from broad ethical issues (representation, capacity) to an examination of specific laws and practices to assist clients in planning for retirement, possible incapacity, and death. Tax rules governing trusts and estates play important roles in such planning; we will draw on relevant tax laws as needed. Specific topics covered include: special needs trusts and other planning tools for incapacity; guardianships; wills and trusts; Medicare and Medicaid; health care decision-making; long-term care; and income support. Trusts and Estates and Health, Law, and Policy are useful (but not required) prerequisites. Readings will be from the casebook, supplemented by other assigned books and articles written by lawyers, economists, and (perhaps) journalists. Students will be required to write eight papers about three pages each, responding to the various readings. Grades will be based on the papers and on class participation. *Spring* Lukens, Mimi.

**ELECTRONIC COMMERCE LAW.** This seminar focuses on both the technology involved in electronic commerce and the law surrounding the emerging field. Electronic commerce is growing at an exponential rate. As more of our daily commercial lives are lived through use of computers, decisions must be made: will existing law treat e-commerce no differently than any other kind of commerce, or must new laws emerge to take into account some of the radical new transactions and complications? The seminar will begin with an overview of the history and infrastructure of the Internet, setting the groundwork and providing students with a working knowledge of the terminology and technology they will likely encounter working in this legal field. Additional background discussion will involve the concept of regulation of the Internet, global vs. national perspectives on the law of the Internet, and conceptions of sovereignty. Topics will be dictated by the needs of the moment, but will potentially include electronic contracts, digital signatures, the application of traditional UCC doctrines such as the mailbox rule and the statute of frauds to e-commerce,

Internet sales of highly regulated goods (such as alcohol, firearms, pharmaceuticals), the domain name system and its relation to trademark law, trade-related issues such as consumer fraud/protection and product disparagement, sales taxation, Internet and business method patents, digital cash/smart cards, digital checks, electronic securities law, Internet gambling, commercial privacy, and e-commerce in gray and black markets. Time permitting, we may also explore the relationship of international law to e-commerce, the effect of e-commerce concepts on commercial litigation, and export control laws involving cryptography. Topics not covered in the seminar will be suitable for papers. Enrollment is capped at 20. Students may either take the seminar for writing credit, requiring a substantial paper, or may write a shorter paper and make a presentation to the class at the end of the quarter. *Winter* Nagorsky, Marsha Ferziger.

**EMOTION AND THE LAW.** The emerging field of emotion theory lies at the intersection of several disciplines that study moral thought and decision-making, including philosophy, psychology, sociology, political science, anthropology, and most recently, neuroscience. The field has moved beyond its initial focus on challenging the traditional demarcation between reason and emotion, and is increasingly exploring the role of emotion in every aspect of legal theory and practice. Its subjects include the role emotion plays in decision-making, in moral and ethical development, and in the creation and development of social and institutional structures. The course will begin by considering the definitional issue: what do we mean by the term emotion? It will then consider emotions in specific legal contexts. The most obvious and explicit examples come from criminal law (e.g. the heat of passion defense, anti-sympathy instructions, the role of mercy, shaming punishments). However, the perspective of this course is that emotion pervades not just criminal but civil law, and not just the jury room but the judiciary, the legislature, the conduct of attorneys, and the very structure of legal institutions. It is equally essential to study emotions that law does not tend to label as emotional, as well as legal actors who are usually exempted from that category, including judges and legislators. The crucial questions are how to tell which emotions belong in which legal contexts, and how to channel or even educate emotions (to the extent they are educable) to improve the quality of justice. Readings will come from *The Passions of Law* (Susan A. Bandes ed. 2000) and from articles by a wide range of scholars. The grade will be based on a series of short reaction papers, class participation, and a 90 minute in-class final exam. *Spring* Bandes, Susan.

**EMPIRICAL LAW AND ECONOMICS.** *Spring* Morrison, Edward.

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

**EMPLOYMENT DISCRIMINATION LAW.** This course provides an introduction to U.S. employment discrimination law. The emphasis is on analysis of race and sex discrimination under Title VII of the Civil Rights Act of 1964, but there is some coverage of other statutes and forms of discrimination, including disability discrimination under the Americans with Disabilities Act. Attention is devoted throughout to the relationship between current doctrine and leading theories of the wrong of discrimination and the nature of race, sex, and other forms of social difference. Topics will include both established categories of discrimination – disparate treatment, disparate impact, harassment, failure to accommodate – and their application to areas of current controversy, such as discrimination based on language or caregiving responsibilities. The student's grade will be based on a take-home final examination and on class participation. *Winter Zatz, Noah.*

**EMPLOYMENT DISCRIMINATION PROJECT.** Randall D. Schmidt and his students operate the Clinic's Employment Discrimination Project. The Project focuses primarily on pre-trial litigation. In individual cases, the Project represents clients in cases before the Illinois Department of Human Rights ("Department") and the Illinois Human Rights Commission ("Commission") and seeks to obtain relief for clients from race, sex, national origin, and handicap discrimination in the work place. Additionally, in its individual cases and law reform/impact cases, the Project seeks to improve the procedures and remedies available to victims of employment discrimination so that complainants have a fair opportunity to present their claims in a reasonably expeditious way. To accomplish this goal, the Project, in addition to litigation, is also active in the legislative arena and participates with other civil rights groups in efforts to amend and improve the Illinois Human Rights Act. Second-year students in the Project can expect to handle several cases individually and "second chair" other cases along with third-year students. Second-year students will autonomously handle cases that the Department is investigating. In these cases, students interview clients and witnesses, assist in the preparation of written briefs and memoranda explaining why the client was the victim of discrimination, and represent clients at informal hearings before the Department. Second- and third-year students will jointly handle cases in the Commission and at various pre-trial stages. They will be involved in discovery (drafting requests, responding to the employer's discovery, reviewing the information produced in discovery, etc.) and pretrial preparation (i.e., interviewing witnesses, drafting the pretrial memorandum, etc.). Second-year students will be given the opportunity to attend status hearings and hearings on contested motions, along with the third-year student assigned to the case. Moreover, if the case goes to trial, the second-year student will be actively involved in all phases of trial preparation and will attend the trial. Third-year students in the Project are assigned cases that are awaiting trial in the Commission. In these cases, third-year students attend status conferences, argue contested motions, engage in discovery, negotiate with the employer, and prepare the case for trial. If the case goes to trial, the third-year student will be expected to be the lead attorney on the case. The Project also handles, or is otherwise involved in, several appeals each year. Both second- and third-year students work on these appeals researching and drafting appellate briefs. If possible, third-year students present the oral arguments in the appeals. It is suggested, but not required, that all students in the Employment Discrimination Project take the Employment Discrimination course. Third-year students participating in the Employment Discrimination Project are required to take Evidence. Third-year Students are strongly encouraged to take, prior to their third year, Pretrial Advocacy and either the

Intensive Trial Practice Workshop or Trial Advocacy. Enrollment in the Employment Discrimination Project is limited and preference will be given to students who take Pretrial Advocacy and the Intensive Trial Practice Workshop. The student's grade is based on class participation. The credit awarded to this seminar is governed by the new rules for credit for clinical work. Academic credit varies and will be awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff. *Autumn, Winter, Spring* Schmidt, Randall.

**ENTERTAINMENT LAW.** This seminar explores legal issues connected with the development, production, and exploitation of entertainment product, focusing predominantly on filmed entertainment, to some extent on musical compositions and recordings, and only incidentally on other forms of entertainment. Topics include life story rights and celebrity publicity rights; contract formation and duration; artistic credits; collective bargaining agreements; ethics and regulation of talent representatives such as agents, lawyers and managers; profit participations; censorship and self-regulation of sexual and violent content; and selected copyright issues. Copyright is not a prerequisite, and this class should not be considered as a replacement for the copyright course. The student's grade is based on a take-home final examination. *Spring* Krone, Steve. (Not offered 2007-08)

**ENTREPRENEURSHIP AND THE LAW.** This seminar introduces students to the lawyer's role in representing entrepreneurs. The seminar focuses specifically on micro-enterprises, but generally applies to larger businesses as well. The initial part of the course explores economics and theory of entrepreneurship, as well as the constitutional and regulatory contexts in the U.S. The seminar then surveys fundamental legal questions that affect entrepreneurship. Topics covered include choice of entity, intellectual property, employment, and business strategy. Throughout the course, students will analyze strategies for counseling entrepreneurial clients and reflect on actual business documents such as limited liability company operating agreements, leases, or non-competition agreements. This seminar is a prerequisite for participation in the Institute for Justice Clinic on Entrepreneurship by 2L's and a co-requisite for participation by 3L's. Students' grades will be based on active participation, short papers, and other writing assignments. *Autumn* Milnikel, Elizabeth; Satterthwaite, Emily.

**ENVIRONMENTAL LAW.** This course provides an introduction to the role of legal institutions in resolving environmental resource conflicts and dealing with the health and ecological risks generated by industrialization. The resolution of environmental problems through private litigation, federal regulation, economic incentive systems, and judicial review of administrative decisions is examined. A student's grade will be based on a final examination. *Autumn* Nash, Jonathan. *Spring* Sunstein, Cass.

**EUROPEAN LEGAL HISTORY.** This survey course examines major tendencies and most important events in European Legal History. The course begins with the codification of Roman Law by emperor Justinian and the emergence of Germanic law during the migration period and moves forward to the 20th century. The course covers subjects as the emergence of jurisprudence in the middle ages and the structures of the *ius commune*, the reception of Roman Law, the spread of humanistic jurisprudence, the rise of natural law, the codification movement and the totalitarian challenges to law in the first half of the 20th century. Students grade will be based on a take home examination and class participation. *Spring* Thier, Andreas.

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

**EUROPEAN UNION LAW II: CURRENT LEGAL AND POLITICAL PROBLEMS.** In this seminar, we will discuss current legal and political problems of the European Union. We will study the role international law plays in the EU's legal system, the evolution of its human rights law, and the impact of the EU's common foreign and security policy. As the EU enlarges, it faces new political and legal challenges, which provide opportunity for discussion and forward-looking analysis. We will examine the perceived need to change the constitutional structure of the EU and consider the political impact a new constitution might have on the member states. The student's grade will be based on a series of short research papers and class participation. European Union Law I, or its equivalent, is a prerequisite for this seminar. *Spring* Duquette, Elizabeth.

**EVIDENCE.** This course examines the law governing proof of disputed propositions of fact in criminal and civil trials, including relevance, character evidence, the hearsay "rule" and other rules of exclusion, and examination and privileges of witnesses. The student's grade is based on a proctored exam. *Winter* Buss, Emily.

**EVIDENCE.** This course examines the law governing proof of disputed propositions of fact in criminal and civil trials, including relevance, character evidence, the hearsay "rule" and other rules of exclusion, and examination and privileges of witnesses. The student's grade is based on a proctored exam. *Spring* Stone, Geoffrey.

**FAMILY LAW: SELECTED TOPICS.** This seminar will focus on the law surrounding intimate relationships between adults. In particular, we will focus on the institution of marriage and its changing scope and social meaning, the financial consequences of ending these relationships, and the division between parents of the care and support of children. Grades will be based on class participation and on several short papers written during the quarter. *Winter* Buss, Emily.

**FEDERAL CRIMINAL LAW.** This course examines the substance and structure of federal criminal law. It focuses on four topics: (1) federal jurisdiction over crime; (2) crimes that enlarge the scope of federal criminal law such as the Hobbs Act and mail fraud; (3) crimes that target organizations such as RICO; and (4) other federal offenses, such as bribery of public officials and drug trafficking. If time permits, an important aspect of sanctions in the federal system, asset forfeiture, will be discussed. The student's grade will be based on a take-home examination. *Autumn* Noller, Lisa; Rubenstein, Daniel. *Winter* Miles, Thomas.

**FEDERAL HABEAS CORPUS.** 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 participation and a proctored final examination and a paper (if the three credit option is chosen). *Spring* Mortara, Adam.

**FEDERAL JURISDICTION.** The role of the federal courts in the federal system. Topics will include federal question and admiralty jurisdiction, litigation against federal and state governments and their officials, abstention and related doctrines, direct and collateral review of state-court decisions, standing and other justiciability doctrines, and congressional control of the jurisdiction of the federal courts. Constitutional Law I is recommended, but not required. The student's grade is based on class participation and a proctored final examination. *Winter* Bandes, Susan. *Spring* Filip, Mark.

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

**FEDERAL REGULATION OF THE EMPLOYMENT RELATIONSHIP.** *Autumn* Scalia, Eugene.

**FEDERAL SENTENCING: THE RECENT REVOLUTION AND THE ONGOING STRUGGLE TO BALANCE JUDICIAL DISCRETION AND PROSECUTORIAL DISCRETION.** *Autumn* Siegler, Alison.

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

requirement may be satisfied.) Attendance is required and particularly helpful; participation may be a factor in the final grade. *Winter* Shapo, Nat.

**FEMINIST JURISPRUDENCE.** This course considers ways in which law and legal theory may affect the realization of the equality of the sexes and the rights of women. The readings include a broad range of scholarly writings. The grade is based on class participation and a final examination or major paper. *Autumn* Case, Mary Anne.

**FINANCIAL ACCOUNTING FOR LAWYERS.** This mini-course provides an introduction to the analysis and communication of economic events through the accounting process. Students learn skills necessary to become informed users of financial statements. The majority of the course focuses on the functions of financial reporting, the elements of the financial reports, procedures, conventions, and terminology. The primary focus of this course will be on the main elements of a company's annual report: Balance Sheet, Income Statement, Statement of Cash Flow, Statement of Shareholder's Equity, and the related footnotes to these statements. Students will also learn basic financial statement analysis techniques, with an emphasis on determining the "quality" of earnings. Basic principles of valuation will be covered, including the time value of money, the discounted dividends and residual income models, and ratio analysis. Time permitting, the course will conclude with an investigation of the application of accounting fundamentals in the legal setting as well as the legal responsibilities of the accountants, lawyers, audit committees, and the Board of Directors. The student's grade is based on class participation, homework assignments, and a take-home final examination. Students may not take this class and Legal Elements of Accounting (79102). *Spring* Fitzgerald, Kathleen.

**FOOD AND DRUG LAW.** *Spring* Malani, Anup.

**FOREIGN RELATIONS LAW.** This course examines the law governing the conduct of American foreign relations. The emphasis will be on the distribution of the foreign affairs power between the executive, legislative, and judicial branches. Special attention will be given to the war and treaty powers. Discussion will focus on the wars in Iraq, Afghanistan, and Kosovo, and on recent treaty questions such as termination of the Anti-Ballistic Missile treaty, American entry into the World Trade Organization by statute, and the scope of human rights agreements. A student's grade will be based on a proctored final examination. *Winter* Nzelibe, Jide.

**GENETIC PROPERTY AND THE LAW.** *Autumn* Goodwin, Michele Bratcher.

**GLOBALIZATION.** *Autumn* Keenan, Patrick.

**GREENBERG SEMINARS.** These seminars, open only to Law School students, are designed to afford students the opportunity to engage in informal discussions with Law School faculty members on a range of topics. The groups, normally limited to 12 students meet in a faculty member's home five or more times over one or more quarters. Topics and participating faculty are announced prior to the Autumn Quarter registration period. Participating students earn one non-graded unit, but attendance at all sessions is required to earn the credit. Priority is given to 3rd year students in the lottery registration and to students who have not yet participated in a Greenberg Seminar. *Autumn, Winter, Spring* TBA.

**HEALTH CARE RESOURCE ALLOCATION.** This seminar will search for a solution to the problem of the allocation of scarce health care resources. Drawing from relevant case law and statutes in addition to literature from the fields of health law, policy, and economics as well as medicine and medical ethics, this course will analyze various decision-makers (patients, insurers, government, and physicians) for their suitability to make health care rationing decisions. Specific areas of law that will be addressed as they relate to allocation decisions include medical necessity law, disability law, patient autonomy law in the context of end-of-life medical care, medical malpractice, health maintenance organization liability and regulation, and the corporate practice of medicine doctrine. Particular attention will be given to contractual solutions to the rationing dilemma and their own barriers to implementation. Grade will be based on writing a 10 page paper or two 5 page essays. *Spring* Abbo, Elmer.

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

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

**HIGHER EDUCATION AND THE LAW.** The university has long maintained that its history and role as a creator of knowledge and refuge for society's critics require that the government and the courts extend a special respect to the academy's need to govern itself. This seminar discusses how the courts have dealt with this argument in areas such as academic freedom; student admissions and discipline; faculty tenure, dismissal, and unionization; and teaching and research restrictions. Discussions focus on the competing interests of society and the university and the role of the courts in balancing these interests. This seminar may be taken for fulfillment of the Substantial Writing Requirement. The student's grade is based on class participation and a substantial paper. *Winter* Sussman, Arthur.

**HISTORIC PRESERVATION LAW.** As we near the 50th anniversary of the Law School's historic Eero Saarinen building, it is appropriate to present a seminar on historic preservation law for the first time. We will study the rationale for preserving historic resources; the tension between private property rights under the constitution and

public benefits; 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. Prior courses in land use or real estate are recommended. Your grade will be based upon discussions of the assigned weekly readings and a 10-page research paper on a topic of your choice. Limited to 15 students. *Spring* Friedman, Richard F.

**HISTORY OF AMERICAN FEDERALISM: ORIGINS TO THE CIVIL WAR.** 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 current-day political and constitutional debates. The central idea of American federalism has long been the proposition that a group of states could unite to create a government structure based on a central (federal) authority, to which authority the states surrender certain of their own powers, and which authority wields a measure of power over individual citizens. Yet this federal idea has not been stable throughout the history of the Republic. On the contrary, controversy over the meaning of federalism has stood at the center of many of the nation's greatest conflicts, from the Constitutional Convention to the War of 1812 to the Civil War. What was the origin of federalism's central idea of divided sovereignty? How has the meaning of federalism changed throughout American history? What, if any, aspects of the idea have remained constant? This seminar will discuss historical questions of causation and influence, as well as the structure and workings of the American legal system. Emphasis will be on selected moments of tension in the development of the federal idea. The course will require extensive reading and discussion of primary source materials on the history of federalism. The student's grade will be based on a series of short papers and class participation, with the option of writing an additional, research-based paper that satisfies the Substantial Writing Requirement. *Spring* LaCroix, Alison.

**HISTORY OF AMERICAN LEGAL THOUGHT IN THE TWENTIETH CENTURY.** This course will examine American legal thought since approximately 1870, with a focus on situating legal-intellectual developments in historical context. The aim of the course will be to understand changes in legal thought – in the governmental and judicial arenas, as well as in the academy – and their relationship to broader political, intellectual, social, and economic changes. Topics to be discussed will include the rise of formalism and classical legal thought; the progressive and legal process schools of thought; legal realism; the critical legal studies movement; and more recent interpretive approaches. Readings will include primary works as well as secondary sources and commentary. The final grade will be based on a take-home examination. *Winter* LaCroix, Alison.

**HUMAN RIGHTS I: PHILOSOPHICAL FOUNDATIONS OF HUMAN RIGHTS.** This course deals with the philosophical foundations of human rights. The foundations bear on basic conceptual and normative issues. We examine the various meanings and components of human rights and the subjects, objects, and respondents of human rights. We ask questions such as the following: Who has the rights? What are rights to? Who has the correlative duties? Can we legitimately hold the members of other societies to the standards of our culture? What methods of argument and implementation are available in this area? The practical implications of these theoretical issues are also explored. *Spring* Laden, Anthony.

**HUMAN RIGHTS II: HISTORY AND THEORY.** This course is concerned with the theory and the historical evolution of the modern human rights regime. It discusses the emergence of a modern “human rights” culture as a product of the formation and expansion of the system of nation-states and the concurrent rise of value-driven social mobilizations. It juxtaposes these Western origins with competing non-Western systems of thought and practices on rights. The course proceeds to discuss human rights in two prevailing modalities. First, it explores rights as protection of the body and personhood and the modern, Western notion of individualism entailed therein. Second, it inquires into rights as they affect groups (such as ethnicities, and potentially, transnational corporations) or states. *Winter* Novak, William.

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

**HUMAN RIGHTS: ALIEN AND CITIZEN.** The basic notion of international human rights is that rights are inherent in the identity of human beings, regardless of their citizenship, nationality, or immigration status. This course will address how international human rights doctrines, conventions, and mechanisms can be used to understand the situation of the “alien” (or foreigner) who has left his or her country of origin to work, seek safe haven, or simply reside in another country. How native or resident populations and governments respond to new arrivals has varied tremendously in the past and present. In some situations, humanitarian impulses or political interests have dictated a warm welcome and full acceptance into the national community. In other cases, alien populations have become targets of suspicion and repression. In some extreme cases, states have “denationalized” resident populations who previously enjoyed national citizenship. We will use an interdisciplinary approach to address such questions as (1) Why do human beings migrate? What might human rights as a measuring instrument tell us about conditions that promote refugee flows and other forms of forced migration? (2) What is the meaning of citizenship? How is it acquired or lost? What rights may societies and nation-states grant only to citizens, but withhold from others? (3) Are human rights truly universal? Are rights necessarily dependent on citizenship? (4) How do differences in rights

between citizens and aliens become more important during national security crises? (5) What are the principal categories used by nation states to classify foreign visitors and residents? How do these categorizations affect the rights of foreigners? (6) How do international human rights doctrines limit actions by states with respect to certain categories of foreigners such as refugees, asylum applicants, and migratory workers? (7) Given the non-voting status of foreign populations in almost all countries, how are the rights of aliens represented in societies of settlement? How do home country governments regard their expatriate communities? The student's grade is based on attendance, participation, and a major paper. *Winter* Gzesh, Susan.

**HUMAN SCIENCES AND THE LAW.** This course is the history of scientific issues in the law, and the history of the handling of scientific evidence and scientific expertise from around 1850 to the present day. *Spring* Winter, Alison.

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

undergo a DCFS background check (which includes: Sex Offender Clearance, CANTS Clearance, Illinois State Police and FBI Clearance as well as fingerprinting) and medical clearance (tuberculosis screening). See the general rules for all clinical courses for further details governing enrollment and the award of credit. *Autumn, Winter, Spring* Woltjen, Maria.

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

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

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

**INFORMATION TECHNOLOGY LAW: RENEGOTIATING THE RIGHT PATH TO OUTSOURCING SUCCESS.** Negotiation of outsourcing agreements is a complex process and frequently involves the most critical functions within a business, such as information technology, human resources, telecommunications, and customer support. The agreements themselves must clearly and elegantly set forth, inter alia, joint and individual responsibilities of the parties, service levels, payment terms including risk-reward mechanisms, governance, and dispute-resolution terms. Little time or effort is spared in the negotiation of these agreements; yet, not infrequently, disputes arise that are not adequately addressed within the four walls of the agreements. This seminar will explore the business and legal needs informing the renegotiation of outsourcing agreements from both the client and the IT service provider's perspectives and how renegotiation

might best address these needs. Students will be provided with business cases, term sheets, and original contract documents, and requested to renegotiate and redraft the existing terms. At some point during the renegotiation, one or more disputes may arise between the parties that give rise to formal dispute resolution procedures (e.g., mediation). The student's grade is based upon class participation, including participation in negotiations (50 percent) and the ability to serve his/her client's interests as evidenced through the renegotiated agreement (50 percent). The ability to work collectively and to the client's best interests will be emphasized. *Autumn, Winter* Zarfes, David.

**INSTITUTE FOR JUSTICE CLINIC ON ENTREPRENEURSHIP.** The Institute for Justice Clinic on Entrepreneurship, or IJ Clinic, provides entrepreneurs, especially start-up micro-businesses operated by low- to moderate-income individuals, with free legal services that include business formation; license and permit application; contract and lease review; landlord, supplier, and lender negotiation; intellectual property protection; and basic tax and regulatory compliance. The IJ Clinic is the Law School's practical training ground for law students who are interested in transactional work generally and entrepreneurship specifically. Students are involved in all phases of client representation and have the opportunity to interview and counsel clients; draft business documents and contracts; negotiate with contractors, investors, or lenders; prepare documents for filing; and occasionally represent clients before administrative bodies. Academic credit varies and will be awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff. The seminar *Entrepreneurship & The Law* and the skills class *Transactional Lawyering* are prerequisites for 2L's and corequisites for 3L's entering the IJ Clinic. *Autumn, Winter, Spring* Milnikel, Elizabeth; Satterthwaite, Emily.

**INSURANCE LAW.** *Winter* Malani, Anup.

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

**INTELLECTUAL PROPERTY: ADVANCED ISSUES.** This seminar will critically examine some of the canonical ideas, theories, and controversies in the various areas of intellectual property. We will study the influence of these ideas on the development of intellectual property law and policy, particularly over the past fifty years. We will also explore their continued relevance and viability. Some of the questions we will ask include: What ideas have been influential in the legal development of intellectual property rights in the United States over the past century or so? Why have these ideas been influential? How well have these ideas stood the test of time? To what extent have these

ideas been empirically tested, and how well? What light do empirical studies (to the extent they exist) shed on the continued viability of these ideas? The grade will be based on class participation and a major paper. *Autumn* Long, Clarisa.

**INTENSIVE TRIAL PRACTICE WORKSHOP.** This practicum teaches trial preparation, trial advocacy, and strategy through a variety of teaching techniques, including lectures and demonstrations, but primarily through simulated trial exercises. Topics include opening statements, witness preparation, direct and cross examination, expert witnesses, objections at trial, and closing argument. Practicing lawyers and judges are enlisted to provide students with lectures and critiques from varied perspectives. The practicum concludes with a simulated jury trial presided over by sitting state and federal court judges. Evidence is a prerequisite. Students taking the Intensive Trial Practice Workshop may enroll in Pre-Trial Advocacy. Completion of this workshop partially satisfies one of the requirements for admission to the trial bar of the United States District Court for the Northern District of Illinois. This practicum is open only to students entering their 3L year and limited to 54 with preference given to students who have been accepted into a Clinic course. Students who have taken Advanced Trial Advocacy (LAW 93802) or Trial Practice: Strategy and Advocacy (LAWS 91702) may not take this course. This practicum is offered for approximately six hours/day during the two weeks prior to the beginning of the Autumn Quarter. The student's grade is based on class participation. *Autumn* Conyers, Herschella; Futterman, Craig; Heyrman, Mark; Huber, Jason; Milnikel, Elizabeth; Schmidt, Randall; Stone, Randolph.

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

**INTERNATIONAL CRIMINAL LAW.** *Autumn* Keenan, Patrick.

**INTERNATIONAL ECONOMIC LAW.** *Spring* Nzelibe, Jide.

**INTERNATIONAL ENVIRONMENTAL LAW.** This seminar examines how global resources can be protected within an international legal framework where state actors reign supreme. Sources of international environmental law and associated enforcement

mechanisms will be discussed with reference to various environmental problems such as loss of biodiversity, climate change, ozone depletion, trans-boundary air pollution, and oil spills. The relationship between trade, development, and environmental protection will receive particular attention throughout the seminar, as will issues arising from the evolving role of non-state actors. The student's grade will be based on class participation and a major paper. This seminar may be taken to fulfill one of the substantial writing requirements if the major paper is certified by the professor as having met the criteria. *Autumn* Nash, Jonathan.

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

**INTERNATIONAL LAW, INTERNATIONAL RELATIONS THEORY AND CONTRACTS.** This seminar examines modern conceptions of international law through an international relations theory and contract law framework. The seminar will introduce students to the international relations theory literature, including security studies, international economic coordination and social constructivism. The seminar aims to provide students with the tools to understand, discuss and critique international law and organizations from an international relations and contracting perspective. Students do not need a background in international law or international relations theory for the seminar. Grades are based on response papers and class participation. *Spring* Abebe, Daniel.

**INTERNATIONAL TRADE REGULATION.** This course provides a comprehensive introduction to the legal framework for U.S. and international regulation of international trade in goods. The course will include: a brief introduction to the economics of trade; an examination of the World Trade Organization (WTO), the General Agreement on Tariffs and Trade (GATT), and related instruments; and an analysis of U.S. laws providing relief from "unfairly" traded imports, including the antidumping and countervailing duty laws, and of U.S. laws providing for other restrictions on imports, such as "safeguards" imposed under the "escape clause." A student's grade will be based on class participation and a proctored final examination. *Autumn* Chang, Howard.

**INTRODUCTORY INCOME TAX.** This course provides a survey of the essential elements of the U.S. income tax, with principal focus on the taxation of individuals. Points of concern are the nature of income, its timing and measurement, the notions of tax benefit and tax incentive, realization, sales and exchanges, the boundary between personal and business expenditures, capital recovery and capital gains, and assignment of income among related taxpayers. The student's grade is based on a proctored examination. *Autumn* Roin, Julie. *Winter* Weisbach, David.

**INVESTMENT MANAGEMENT.** This seminar provides an introduction to the investment management industry—the development and distribution of investment advisory services and financial investment products to investors and retirement plans. Although the growth and development of the U.S. capital markets in the preceding 25 years has been remarkable, the increase in the size and significance of the investment management industry has been even more dramatic. While during the period from 1980 to 2005 the Dow Jones Industrial Average increased by an unprecedented rate of nearly 13-fold, during the same 25-year period the investment management industry increased by over 90-fold, with estimates of discretionary assets under management in the industry exceeding \$13 trillion. This growth in the size of the industry is coupled with an increase in the breadth and complexity of the investment products offered, involving a broad array of disciplines with which legal advisers and industry participants need to have a basic familiarity. This seminar examines the basic regulatory framework—primarily the federal Investment Company Act and Investment Advisers Act—by analyzing selected issues involving the structure, management, marketing, and distribution aspects of mutual funds and other investment products. Other topics will be highlighted through analysis of the development of new investment products, such as ETFs and publicly offered hedge funds and private equity funds. This seminar will provide an introductory level analysis of certain core areas of the investment management industry, including portfolio management philosophies; basic characteristics of equity, fixed income, and alternative asset classes; the role of fund directors, conflicts of interest, and corporate governance issues; and distribution and marketing-related issues, including the impact of the Internet on financial product design and distribution. A student's grade will be based on a final examination. Active class participation is encouraged and may be a factor in the final grade. A student electing to write a 10- to 12-page paper in addition to taking the exam may receive three credits and will be graded on both the paper and the exam. *Winter* Hale, Thomas.

**IRWIN ASKOW HOUSING INITIATIVE.** Students in the Housing Initiative provide legal representation to community-based housing developers, tenant groups, and other parties involved in the production of new or rehabilitated affordable housing stock. Students advise clients on structuring issues; negotiate, draft and review construction and financing contracts; secure zoning and other governmental approvals; assist clients in resolving compliance issues under the applicable state and federal housing programs; and participate in the preparation of evidentiary and closing documents. The Housing Initiative focuses on innovative transactions sponsored by community-based organizations on the south side of Chicago. In addition to working on specific transactions, students in the Housing Project meet regularly as a group to discuss the substantive rules and legal skills pertinent to housing transactions and to examine emergent issues arising out of the students' work. Academic credit for the Housing Project varies and is awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical faculty. *Autumn, Winter, Spring* Leslie, Jeff.

**ISLAM AND INTERNATIONAL LAW.** In this seminar, we will focus on the relatively underemphasized works of fiction that were read and discussed during this time period. That is, we will read the novels that the founders read with an eye towards better understanding the literary backdrop against which they crafted their legal and political analysis.

A tentative and incomplete potential reading list includes: Tom Jones by Henry Fielding, Tristram Shandy by Laurence Sterne, Pamela by Samuel Richardson, and Vicar of Wakefield by Oliver Goldsmith, and Moll Flanders by Daniel Defoe. We may substitute one film version of a book frequently read during the same era. Student input on the selection of books is welcome. We will meet approximately 4-6 times during the Winter and Spring quarters. Students will receive 1 ungraded credit for participation. Enrollment is limited to 12. *Spring* Bianchi, Robert.

**LAND USE PLANNING.** This course examines the land development process. It explores the various legal tools used to regulate land uses as well as constitutional limits on government land use regulation. Attention will be given to the comparative advantages of different regulatory devices, as well as to the legal, political, and economic factors that influence public and private decisions about land uses. A student's grade will be based on a proctored final examination. *Spring* Nash, Jonathan.

**LAW AND LITERATURE OF CAPITAL PUNISHMENT.** This seminar will explore the relation between law and literature, with a particular focus on the law and literature of capital crime and punishment. It will begin with the debate about whether literature can inform the study and practice of law, drawing from articles by Richard Posner, Robin West, Martha Nussbaum and other scholars. It will then focus on an array of works, including novels, short stories, non-fiction accounts, films, legal documents, and the occasional law review article. These works may shed light on the perspectives of legal and non-legal actors in the American system of capital punishment, including victims and survivors, defendants and their families, lawyers, judges, jurors, and executioners, and on how narrative tools and strategies are employed to argue the issues of guilt, innocence and punishment at the heart of the capital system. The reading list is not yet finalized, but may include the following works (or excerpts from them): In the Bedroom by Andre Dubus, Dead Man Walking by Sister Helen Prejean, Crossed Over: The Story of Karla Faye Tucker by Beverly Lowry, Do With Me What You Will by Joyce Carol Oates, In the Penal Colony by Franz Kafka, Billy Budd: Sailor by Herman Melville, Becoming Justice Blackmun by Linda Greenhouse, Death at Midnight: The Confession of an Executioner by Donald A. Cabana, In Cold Blood by Truman Capote, A Life and Death Decision: A Juror Weighs the Death Penalty by Scott Sundby, and movies such as Monster's Ball, The Thin Blue Line and Capote. A student's grade will be based on class participation and a major paper. The class may be taken for substantial writing credit with instructor approval, though only by non-graduating students. *Spring* Bandes, Susan.

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

may be taken for fulfillment of the Substantial Writing Requirement. There will be a mandatory preliminary meeting for interested students in the Autumn; law student enrollment is limited to 6. *Winter* Rosenberg, Gerald.

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

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

**LAW AND THE MENTAL HEALTH SYSTEM.** The course is designed to help lawyers function effectively when issues of mental disability relate to legal issues. The course examines the interrelationship between legal doctrine; procedural rules; medical, cultural, and social scientific understandings of mental disability; and institutional arrangements affecting the provision of services to the mentally disabled. Consideration is given to admission to and discharge from mental health facilities, to competency to consent to or to refuse treatment, to surrogate decision-making for those found incompetent, to the rights of those confined in mental health facilities; to discrimination against the mentally disabled, and to the rights of the mentally disabled in the criminal justice system. This course may be taken for fulfillment of the Substantial Writing

Requirement. Students have a choice of taking a final exam at the end of the quarter or writing a paper on a topic approved by the instructor. *Autumn* Heyrman, Mark.

**LAW AND THE POLITICAL PROCESS.** This course surveys the legal regulation of elections and politics. Topics include the individual's right to participate in the political process, redistricting and the distribution of electoral power, the role of race in the regulation of politics, political party regulation, and campaign finance reform. The course will pay particular attention to the political theories and empirical assumptions that underlie judicial intervention in these areas. The student's grade will be based on a take-home final examination and class participation. *Winter* Cox, Adam.

**LAW, SCIENCE, AND MEDICINE.** This seminar will address the intersection of law, science, and medicine, focusing on issues related to human research, informed consent, the "new genetics," and other advances in biotechnology. Students may choose to write two short research papers or one longer, in-depth, three-stage paper, which will satisfy part of the writing requirement. Grades will be based on the papers and class participation. Enrollment is limited to 16 students. *Spring* Palmer, Julie Gage.

**LEGAL ASPECTS OF CHINA'S TRANSITIONAL ECONOMY.** This short course addresses the main features of China's contemporary legal institutions with a special focus on their interaction with China's economic transition and integration into the world economy. Following a brief introduction to China's transition from a central planning economy towards a market economy, this course will cover topics including dynamics between constitution, legislations and regulatory rule making in a one-party state undergoing such an economic transition, reform of the judicial system and administrative law, challenge to property law from the disparity of rural and urban China during industrialization, and issues involving privatization of state enterprises, regulation of the financial market, and labor disputes. Controversies surrounding China on intellectual property protection and international trade will also be discussed. The student's grade will be based on class participation and two reaction papers. *Winter* Chen, Ruoying.

**LEGAL ELEMENTS OF ACCOUNTING.** This mini-course introduces accounting from a mixed law and business perspective. It covers basic concepts and vocabulary of accounting, not so much to instill proficiency with the mechanics of debits and credits as to serve as a foundation from which to understand financial statements. The course then examines accounting from a legal perspective, including consideration of common accounting decisions with potential legal ramifications. It also analyzes throughout the reasons for and roles of financial accounting and auditing, as well as the incentives of various persons involved in producing, regulating, and consuming financial accounting information. The course will touch on some limitations of, and divergent results possible under, generally accepted accounting principles. Current cases, proposals, and controversies will be discussed. Attendance and participation will be very important. Grades will be based on a take-home final examination and class participation. Students with substantial prior exposure to accounting (such as students with an MBA, joint MBA/JD, and undergraduate finance or accounting majors) must seek instructor permission to take the course and will be graded based on a medium-length term paper. Students may not take this class and Financial Accounting for Lawyers (79101). *Autumn* Sylla, John.

**LEGAL ETHICS.** *Spring* Goodwin, Michele Bratcher.

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

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

**LEGAL ISSUES IN INDIA.** *Autumn* Shroff, Shardul.

**LEGAL PROFESSION.** This course, which satisfies the professional responsibility requirement, will consider the law and the ethics governing lawyers. Among the topics that will be examined are the nature of the lawyer-client relationship, competency, confidentiality, conflicts of interest, and some fundamental questions about who we are and what we stand for as lawyers. Two sections are offered each year, with the same basic content. The student’s grade is based on an examination. *Spring* Alberts, Barry.

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

what we stand for as lawyers. Two sections are offered each year, with the same basic content. The student's grade is based on an examination. *Winter* Keenan, Patrick.

**LEGAL WRITING AND ANALYSIS.** This seminar will focus on legal writing and legal practice in the context of American commercial transactions and is specifically designed for, and limited to, the LL.M. students. The class will introduce basic legal skills with an emphasis on effective legal writing, including the structure and drafting of (a) legal memoranda and correspondence to clients and senior lawyers in a firm or business, (b) letters of intent, (c) contracts, and (d) other corporate and business documents. Substantive areas of commercial law and negotiation skills will also be examined in the context of the various documents being studied by the class. The seminar will be taught in its entirety in each of the Autumn and Winter quarters and will be graded on a Pass/Fail basis. Since the course will be taught twice, there will be an effort to equalize enrollment. To pass the course, a student must attend class, participate therein, and successfully complete written assignments. *Autumn, Winter* Edwards, Charles L..

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

**LITIGATING CONTRACTS.** This seminar will take a complex contracts case to the dispute stage, examining issues of legal consideration, damages, adequacy of pleadings, motions, etc. through judgment. *Spring* TBA.

**LOCAL GOVERNMENT LAW.** This course examines the law regarding provision of public goods and services at the state and local level. It explores the way in which local government law addresses the issues of what services a local government should provide, which residents should receive those services, who should pay for the services provided, and who should provide the answers to the previous questions. It explores the relationship among federal, state, and local governments, with particular emphasis on judicial analysis of the constitutional and statutory bases of those relationships. Grading is based on a proctored final examination. *Spring* Fennell, Lee.

**MARRIAGE.** With the aim of making predictions and recommendations for the future, this course examines marriage as a state-sponsored institution, considering its history, its variants (e.g., common law marriage) and close substitutes (e.g., domestic partnership), conceptual frameworks for analyzing it (e.g., analogies between marriage and the business corporation or partnership or relational contract), past and future variants on the joining of one man and one woman (e.g., polygamy and same-sex marriage), and the use of marriage as an ordering principle in various areas of law. The grade is based on class participation and a final examination or major paper. *Winter* Case, Mary Anne.

**MENTAL HEALTH ADVOCACY.** Mental Health Advocacy teaches litigation and other advocacy skills. Under the supervision of the clinical teacher, students engage in individual and systemic litigation and legislative and other advocacy on behalf of indigent, mentally ill clients of the Law School's Edwin F. Mandel Legal Aid Clinic. With the permission of the clinical teacher, students may choose to focus on litigation, legislation, or both. Students engaged in litigation may interview clients and witnesses; research and draft pleadings and legal memoranda, including briefs to reviewing courts; conduct formal and informal discovery; negotiate with opposing counsel and others; conduct evidentiary hearings and trials; and present oral argument in trial and appellate courts. Students who have completed sixty percent of the credits needed for graduation may be licensed to appear, under the supervision of the clinical teacher, in state and federal trial and appellate courts pursuant to court rules and practices. Students engaged in legislative advocacy may research and draft legislation and supporting materials, devise and implement strategies to obtain the enactment or defeat of legislation, negotiate with representatives of various interest groups, and testify in legislative hearings. In addition to discrete advocacy skills such as cross-examination, discovery planning, and legislative drafting, the course aims to provide students with an understanding of the relationships between individual advocacy tasks and the ultimate goals of clients, between litigation and legislative advocacy, and between advocacy on behalf of individual clients and advocacy for systemic change. Prior to the beginning of the third year, students who intend to engage in litigation are required to complete Pretrial Advocacy and either the Intensive Trial Practice Workshop or Trial Advocacy. Prior or contemporaneous enrollment in either Legislation or Legislative Process is encouraged for students intending to engage in legislative advocacy. Prior or contemporaneous enrollment in Law and the Mental Health System is encouraged for all students. See the general rules for all clinical courses for further details concerning enrollment, including the rules governing the award of credit. Mental Health Advocacy satisfies part of the writing requirement if substantial written work is completed. Academic credit varies and will be awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical teacher. *Autumn, Winter, Spring* Heyrman, Mark.

**MICROSOFT LAB: TECHNOLOGY LAW PRACTICUM.** The objective of this three-quarter seminar is to create a student "laboratory" that will work closely with Microsoft's Redmond, Washington-based Office of Corporate and Legal Affairs on legal initiatives relative to the practice of a multinational software and technology-based business. Substantial attention will be devoted to understanding and developing contractual "best practices" within an industry context. Strategic assignments will likely focus upon issues of data privacy, cross-border regulations, and legislative initiatives, as well as other issues relevant to the industry. The student's grade will be based upon the quality of work product (40 percent), client service (30 percent), and collaborative efforts within a team environment (30 percent). Instructor approval required; submit requests in writing to Dean Zarfes (dzarfes@uchicago.edu). *Autumn, Winter, Spring* Zarfes, David.

**NATIONAL SECURITY AND THE RULE OF LAW.** In this seminar, we will consider application of the rule of law to selected national security issues, with a focus on decisions facing counsel for government officials and private parties. Topics covered may include the status, treatment, and ultimate disposition of the detainees at Guantanamo

Bay; what system of law applies to persons detained in the “war on terror”; whether U.S. policy on treatment of detainees is enforceable; the application of the President’s war power to the “war on terror”; electronic surveillance programs; implications of an open-ended “war on terror”; whether U.S. policy on assassination in a “war on terror” is enforceable; and abduction and rendition issues involving U.S. personnel outside the U.S. Students will form teams of 2-4 persons; each team will select a realistic fact setting illustrating a topic of interest to research, write about, and present to the class, which will collectively act as the client. Research will be expected to reach beyond traditional law-related sources, as appropriate. Grades will be based on oral presentation, classroom participation, and a 20-page paper due 4 weeks after the end of the quarter. Class size limited to 20 students. Prerequisite: Constitutional Law. Students who have taken Civil Liberties and National Security (LAWS 96502) may not take this seminar. *Winter* Helman, Robert.

**NEGOTIATION AND MEDIATION.** This course will introduce the theory and practice of negotiation and mediation across various contexts, including deal-making and dispute resolution. It will give students an organized theoretical framework for analyzing various parties’ positions and crafting thoughtful strategies. Students will develop their practical skills and individual styles through a series of simulation exercises, which will be executed inside and outside of class and then discussed and critiqued. Exposure to different techniques, styles, and contexts will be used to teach students what works best for them. Grades will be based on in-class exercises, a series of reaction papers based on out-of-class assignments, and a final negotiation that will be observed and evaluated by the instructors. Enrollment is limited to 24 students, with a preference given to third-year students. Students who take this class may not take Negotiation Theory and Practice (46702). *Winter* Henderson, M. Todd; Leslie, Jeff; Milnikel, Elizabeth; Schmidt, Randall.

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

**NON-PROFIT ORGANIZATIONS.** This seminar explores the law associated with non-profit organizations. Such topics as fiduciary duties, conversions from non-profit to for-profit status, tax exemptions, charitable deductions, and limits on lobbying activities are included. We dwell on the underlying question of why some activities (and not others) are carried out in the non-profit sector. The student’s grade is based on class participation and a final examination. Enrollment is limited to 24. *Autumn* Golden, William.

**NONPROLIFERATION AND THE INTERNATIONAL TRADE IN NUCLEAR MATERIALS.** This seminar examines the law and institutional structures put in place by the international community to promote the use of nuclear energy while simultaneously preventing the spread of nuclear weapons. The starting point is the 1970 Treaty on the Nonproliferation of Nuclear Weapons (“NPT”), the short eleven articles of which the class will review both in their original historical context and in their present application to the administrative and inspection work undertaken by the United Nations International Atomic Energy Agency. National regulation by the United States, as a nuclear weapons state under the NPT, will be explored in detail, especially as it relates to the transfer of nuclear technology to allegedly non-compliant states like Iran and North Korea. The goal of the seminar is to gain a clear understanding of the treaty’s continuing role in the two very different worlds of international security and commercial nuclear power. Students will be evaluated on the basis of a paper. *Autumn* Thompson, Michael.

**ORIGINALISM’S ALTERNATIVES.** This seminar investigates competing methods of interpreting constitutional text, including originalism in its various forms. Attention will be paid to judicial interpretation but other contexts will be considered as well. Grades will be based on a series of short papers and class participation, with the option of writing an additional paper that satisfies the Substantial Writing Requirement. Constitutional Law I: Governmental Structure is a prerequisite for the seminar. *Autumn* Sama-ha, Adam.

**PARTNERSHIP TAXATION.** This course examines income tax aspects of partnerships. Partnerships have become a widely used business structure, particularly since the invention of limited liability companies and the increase in the number of start-up ventures. The course focuses on formations, distributions, income allocations, borrowings, and liquidations of partnerships, with a special focus on using the tax rules in a transactional setting. Introductory Income Tax is a prerequisite. The student’s grade is based on a final examination and class participation. *Spring* Golden, William.

**PATENT LAW.** This is a basic course in patent law, in which the class is introduced to the governing statutes, core concepts, and influential court decisions. Students without a technical background are nevertheless encouraged to enroll. Patent cases often involve complicated technologies, but the key to understanding the relevant legal issue almost never turns on an understanding of the patented technology itself. Student grades are based on an in-class final examination. *Winter* Masur, Jonathan.

**PATRIOTISM AND COSMOPOLITANISM.** What is a nation, and why might it be appropriate to be attached to one’s own nation in a special way? Are there any good reasons why we should not always have equal concern for all human beings and seek to promote their good equally? (And who has the burden of proof here, the cosmopolitan or the defender of local loyalties?) If there are such reasons, do they give us reason to make the nation special, rather than to focus on other, frequently narrower, loyalties, such as those to one’s family, ethnic or religious group, sports team? Why did Marcus Aurelius say that his first lesson in being a good person was “not to be a fan of the Greens or Blues at the races, or the light-armed or heavy-armed gladiators at the circus”? Why did Sir Walter Scott say that a person who lacks patriotic emotion for his

own native land "living shall forfeit fair renown/And, doubly dying, shall go down/To that foul hell from whence he sprung./Unwept, unhonored, and unsung?" Why did Wilfred Owen say, of the better man of the future, "He wars on Death — for Life/Not men — for flags."? How is each philosophical position linked to a distinctive understanding of the good man and of manly virtue? What is patriotic emotion, and how is the apparently benign emotion of love of country linked to other more problematic emotions, such as anger, fear, the sense of humiliated masculinity, etc.? We will pursue these questions by reading a wide range of philosophical authors who have addressed the topic, including Cicero, Marcus Aurelius, Adam Smith, J. G. von Herder, Ernst Renan, V. D. Savarkar, M. S. Golwalkar, J. S. Mill, Rabindranath Tagore, Kwame Anthony Appiah, Amartya Sen, Jürgen Habermas, Samuel Scheffler, Richard Rorty, and Alasdair MacIntyre. We will also focus throughout on treatments of (a) patriotism, (b) anti-patriotism, and (c) cosmopolitanism in the arts, including literary works by Rabindranath Tagore, Wilfred Owen, and Walt Whitman, and also including selected films dealing with nationalism in the context of war. Enrollment limited to 25. Permission of the instructor required, and this should be sought in writing (e mail) by September 20. A minimum prerequisite is an undergraduate major in philosophy or the equivalent course work in philosophy. *Autumn* Nussbaum, Martha.

**PLATO'S PHAEDRUS.** This class is taught in Greek, and presupposes five quarters of Greek, or the permission of the instructors. But it is at the same time a philosophy course. We will read the dialogue closely in Greek, studying Plato's views of beauty, love, and dialectic. We will also read a range of other materials in English, including critical discussions of the dialogue, background material on Greek sexuality, and several literary works that recast the Phaedrus in a modern context, possibly including Mann's *Death in Venice*, Murdoch's *The Black Prince*, and Coetzee's *Slow Man*. *Winter* Nussbaum, Martha; Richardson, Gabriel.

**PLEA BARGAINING.** This seminar will focus on plea bargaining and the guilty plea system. In modern America, the criminal trial is a rarity. In some jurisdictions, it is practically nonexistent. Instead, almost all cases are resolved by guilty pleas, typically entered into after some form of plea bargaining. We will survey the variety of practices collectively defined as "plea bargaining." We will discuss plea bargaining's perceived advantages and disadvantages: whether, on the one hand, it unduly sacrifices accuracy and formality for the good of expediency; or, on the other hand, whether it facilitates compromise in arenas where adversarial heavy combat is less than optimal. We will explore the degree to which plea bargaining has affected the roles and responsibilities of judges, prosecutors, and defense attorneys; and we will examine the different contexts in which these changes make more or less sense. Additionally, we will analyze whether plea bargains successfully reflect probable trial outcomes, or, instead, whether cognitive biases and institutional arrangements and pressures lead parties to reach agreements outside the shadow of trial. Finally, we will evaluate the adequacy of efforts to regulate, reform, and/or abolish plea bargaining. The grade will be based on short analysis papers and class participation. *Spring* Bowers, Josh.

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

**PRACTICING CORPORATE LAW.** In this seminar we will consider issues of current interest in corporate law practice, with a focus on decisions facing counsel for corporations, directors, officers, advisors, regulators, and policy makers. Subjects to be covered include a broad range of corporate governance and strategic transaction issues, reform proposals, securities and corporate litigation, and the role of legal advisors, but will be adapted to match students. Students will form teams of 2-4 persons; each team will select a realistic fact setting illustrating a topic of interest to research, write about, and present to the class, which will collectively act as the client. Research will be expected to reach beyond, as appropriate, traditional law-related sources. Grades will be based on oral presentation, classroom participation, and a 20-page paper due 4 weeks after the end of the quarter. Class size is limited to 20. Prerequisite: Corporations. *Winter* Helman, Robert.

**PRE-TRIAL ADVOCACY.** This seminar focuses on fundamental pretrial litigation strategies and skills, including creation and evaluation of legal and factual theories, pleading and motion practice, interviewing clients and witnesses, discovery planning, depositions and pretrial preparation. The seminar employs a variety of learning methodologies, including lectures, small group discussions, simulated exercises, and

videotaped performances by students. Evidence is a prerequisite. Students taking Pre-trial Advocacy are also eligible to enroll in the Intensive Trial Practice Workshop. The student's grade is based on class participation. Enrollment is limited to 48 students with preference given to students who have been accepted into a clinic course. Students who have taken Advanced Trial Advocacy (LAWS 93802) may not take this course. *Spring* Conyers, Herschella; Futterman, Craig; Heyrman, Mark; Huber, Jason; Milnikel, Elizabeth; Schmidt, Randall; Stone, Randolph.

**PRICE THEORY 1.** The focus of this course is on the theory of consumer choice, including household production, indirect utility, and hedonic indices; supply under competitive and monopolistic conditions; static and dynamic cost curves, including learning by doing and temporary changes; uncertainty applied to consumer and producer choices; and market equilibrium and its stability. *Autumn* Becker, Gary; Murphy, Kevin.

**PRICE THEORY 2.** The focus of this course is on the theory of consumer choice, including household production, indirect utility, and hedonic indices; supply under competitive and monopolistic conditions; static and dynamic cost curves, including learning by doing and temporary changes; uncertainty applied to consumer and producer choices; and market equilibrium and its stability. *Winter* Becker, Gary; Murphy, Kevin; Reny, Philip.

**PRIVACY.** This course surveys society's efforts to draw boundaries between the public and private spheres, with a focus on the legal regimes governing the collection, aggregation, and dissemination of private information. The course devotes substantial attention to the privacy-related torts, government surveillance, privacy-related First Amendment issues, and international privacy law. Other substantive topics that may be covered include consumer privacy on the Internet, Megan's Law, associational privacy, the Freedom of Information Act's privacy provisions, and medical privacy. The student's grade is based on a final examination and participation. *Spring* Strahilevitz, Lior.

**PUBLIC CHOICE.** 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. The problems associated with collective decision-making illuminate interactions between legislatures and judges, democracy's attempt to solve certain problems, and the roles played by a variety of legal doctrines and constitutional institutions (from takings law and standing, to line-item vetoes and term limits and balanced budget amendments). In short, students arm themselves with the literature on interest groups and democratic decision-making in order to explore a wide variety of social problems and legal rules. The basis of the grade will be a final examination. *Winter* Levmore, Saul.

**PUBLIC INTERNATIONAL LAW I.** *Autumn* Ginsburg, Tom.

**PUBLIC INTERNATIONAL LAW II.** *Winter* Ginsburg, Tom.

**READINGS IN CORPORATE AND SECURITIES LAW.** *Spring* Henderson, M. Todd.

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

**REGULATION OF SEXUALITY.** This course focuses on the many ways in which the legal system regulates sexuality, sexual identity, and gender and considers such regulation in a number of substantive areas, including marriage laws, custody rules, sodomy laws, and constitutional rights such as free speech, equal protection, and substantive due process. Readings include cases and articles from the legal literature together with work by scholars in other fields on current questions of identity and other theoretical issues. The grade is based on class participation and a final examination or major paper. *Spring* Case, Mary Anne.

**REMEDIES.** The way in which the law responds to violations of rights is no less important than the way in which those rights are allocated. The law of remedies determines the law's response to violations of rights, and in so doing, it delineates their boundaries and gives them legal meaning. Hence, the study of the law of remedies is closely related to the study of the substantive law, each field shedding light on the other. This course focuses on remedies in Contracts and Torts, referring to the goals of the substantive law to better understand the remedial law. It explores the law of damages in both Contracts and Torts and covers topics such as: 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. *Winter* Porat, Ariel.

**SARBANES-OXLEY ACT.** This class will examine the changes brought about by the Sarbanes-Oxley Act both in terms of reporting requirements for public companies and the Act's impact on securities litigation. A student's grade will be based on class participation and a final paper. *Winter* Bunge, Jonathan; Krulewitch, Jerry.

**SECTION 1983 CIVIL RIGHTS LITIGATION.** *Winter* Futterman, Craig; Huber, Jason.

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

**SECURITIES LITIGATION AND ENFORCEMENT.** *Spring* Miles, Thomas.

**SEMINAR ON CIVIL PROCEDURE.** *Spring* Sharpe, Jamelle.

**SEXUAL ORIENTATION AND THE LAW.** This course will focus upon American case law dealing with the rights of and restrictions upon gay, lesbian and transgendered persons. Early classes will survey federal constitutional law topics including equal protection, substantive due process, and the First Amendment freedoms of speech, association and religion. These federal doctrines will expose students to a broad range of concrete problems including the limits of sexual liberty, protections against anti-gay violence, equal access for gay student groups, and clashes between religious belief and state antidiscrimination laws. The course will then examine state law controversies including marriage equality, gay and lesbian parental rights, employment law, domestic partner benefits, and the rights of the transgendered. Emphasis will be given to the potential impact on future state law of broadly worded state constitutional amendments restricting marriage. The course will conclude with a review of two areas of national concern illustrating the practical limits of litigation and the need for legislative reform: military service and asylum. A robust exchange of competing views, rather than "political correctness," will be encouraged during class discussions. Students will have the option of taking a final take-home exam or writing a paper on one of a list of topics provided by the instructor. *Winter* Madigan, James.

**SOCIAL WELFARE LAW.** This seminar will examine legal and policy issues surrounding the redistribution of money and other goods to achieve social welfare goals. We will start with theories of distributive justice and an overview of the U.S. welfare system, and then turn to topics such as welfare reform, conditions placed on benefits, policies affecting family structure, redistribution in a federal system, retirement and disability benefits, and the distribution of health care, education, and housing. The design features of existing and proposed policy instruments will be evaluated from a variety of perspectives. The grade will be based on a series of short response papers and class participation. *Spring* Fennell, Lee.

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

**STRUCTURING INTERNATIONAL TRANSACTIONS.** This course is designed to introduce students to certain aspects of structuring international transactions, with the goal of giving them some of the tools they will need as practicing lawyers in order better to respond to and resolve new and unexpected structuring problems clients will bring to them. We will start with some analysis of why parties need or wish to structure transactions, then study common structuring issues in cross-border deals, such as weak legal systems, international tax planning, foreign investment and other legal regulations and restrictions, and allocations of commercial risks. The types of structures covered may include joint ventures, synthetic leases, syndicated lending, project financed infrastructure projects, minority investments, and structuring work-outs of defaulted loans.

Each structure could be the subject of a full course, so this course is meant to introduce students to a variety of structuring situations and techniques. A student's grade is based on 2-3 short written assignments, a team project (a longer written assignment and class presentation), and class participation. *Autumn* Vega-Byrnes, Thomas.

**STRUCTURING VENTURE CAPITAL, PRIVATE EQUITY, AND ENTREPRENEURIAL TRANSACTIONS.** This course covers the tax and legal principles applicable to a series of interesting, complex, current entrepreneurial transactions, utilizing venture capital or private equity financing, including (1) a new business start up; (2) a growth equity investment in an existing business enterprise; (3) a leveraged buyout of a private or a public company (including a going-private transaction); (4) use of a flow-through tax entity such as an S corporation, a partnership, or an LLC, for a variety of venture capital or private equity financed transactions; (5) a restructuring of an existing enterprise to provide better incentives to key executives; (6) devising an equity-based executive compensation program; (7) a restructuring or workout (in or out of bankruptcy) for the troubled over-leveraged enterprise; (8) devising an exit scenario for the successful venture capital or private equity financed enterprise (such as IPO, SEC rule 144 sales, or sale of the company); (9) utilizing NOL of a troubled company after a venture capital or LBO deal; and (10) forming a new venture capital, LBO, or private equity fund. Substantive subjects covered include federal income tax, securities regulation, corporate law, partnership law, LLC law, bankruptcy law, fraudulent conveyance law, and other legal doctrines and accounting rules and practical structuring issues (including use of common and preferred stocks, convertible debentures and convertible preferred, warrants, and options) relevant to entrepreneurial transactions. The course reviews these tax, legal, and accounting principals in a transactional context and also considers their policy underpinnings and likely future evolution. There are no specific prerequisites. However, Introductory Income Tax is strongly recommended, and Taxation of Corporations I is desirable. In addition, knowledge of corporate law, securities regulation, bankruptcy, and accounting is helpful. The appendix to the course book plus assigned supplementary readings contains adequate precedents for an understanding of the material covered by the course. The student's grade is based on a final examination. *Spring* Levin, Jack; Rocap, Donald.

**STRUCTURING, NEGOTIATING, AND CONCLUDING COMPLEX BUSINESS TRANSACTIONS.** This seminar will examine the role of the attorney in advancing client interests, balancing business risks and, in all other relevant respects, adding value in a variety of business contexts across a range of industries (e.g., finance, retail, energy, healthcare, and IT). Students will be presented with broad business objectives and parameters, and charged with structuring, negotiating, and concluding deals that best meet client needs while taking into consideration the constraints informed by differing positions of negotiation leverage. Through exposure to diverse transactions, students will encounter and learn to deftly handle recurring and customary practice challenges and pitfalls. In-class negotiations and written assignments (of the sort typically required in legal practice) will form an essential element of the seminar and of the student's grade (approximately 70 percent); performance on a take-home examination will form the balance of the student's grade (approximately 30 percent).

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

**REAL ESTATE FINANCE.** *TBA* Rosenbloom, James.

**TOPICS IN CRIMINAL PROCEDURE.** This course deals with topics arising in the administration of criminal justice once police investigation has ended. It will cover topics such as prosecutorial discretion, pretrial proceedings, the role of the grand jury and indictment, guilty pleas, notice and discovery, trial by jury and appeals. Students will have a choice between a paper and a take-home exam. Criminal Procedure I is not required. *Autumn* Etienne, Margareth.

**TOPICS IN STATE AND LOCAL FINANCE.** This seminar examines the implications of choosing between the various revenue sources available to states and localities. Students are asked to consider questions of "inter-jurisdictional equity," "inter-generational equity," and "vertical equity" in the context of topics such as public school finance, the use of municipal bonds, tax competition, and tax cooperation. The student's grade is based on a series of short papers and class participation. *Winter* Roin, Julie.

**TOPICS IN U.S. HEALTH ECONOMICS, SOCIOLOGY, AND POLICY.** This seminar course will explore three related topics: (1) Should quality be evaluated and rewarded in health care – e.g. through "pay for performance" programs and/or public reporting of physician and hospital quality scores? If so, how should this be done? (2) How is the recent emphasis by the Federal Trade Commission on enforcement of anti-trust law against physicians likely to affect the types of medical groups that survive and the way in which physicians practice medicine? How, if at all, should evolving FTC policy be modified? (3) Is physician professionalism a vital safeguard for patients or a self-serving mythology used to protect physicians' autonomy and incomes? We will approach these topics by drawing from debates in the health policy and legal literature as well as the literatures of law and economics, of institutional sociology, and of the sociology of professionalism. Each student will write a paper related to one of the above topics and will give a presentation in class presenting work in progress on the paper. There will be no exams. Class size will be limited to 15. Admission to the course is by permission of the instructor (may be obtained in advance or at the first class). The course is intended for graduate students in law, business, sociology, economics, and public policy, as well as for physicians involved in fellowships in the medical school. Reading for the course is front-loaded so that we will all quickly gain some basic facts and concepts. There is no required reading after the sixth week of the course. Grading: (1) class participation: 30%. (2) presentation of paper/work-in-progress: 25%. (3) paper: 45%. *Winter* Casalino, Lawrence.

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

**TRANSACTIONAL LAWYERING.** This class will lay the foundation for the skills transactional lawyers employ in practice. It will expose students to the fundamentals of transactional lawyering starting with an orientation to a typical “deal” and the mindset of a transactional lawyer. Exercises will address skills such as interviewing and counseling clients, contract reviewing and drafting, and negotiation. Assignments will be a combination of simulations, out of class editing and writing, and peer review. *Autumn* Leslie, Jeff; Milnikel, Elizabeth; Satterthwaite, Emily.

**TRANSNATIONAL LITIGATION.** This seminar explores aspects of litigating cross-border disputes in U.S. courts. The seminar will examine topics including the jurisdiction of U.S. courts in international cases, foreign sovereign immunity and the act-of-state doctrine, enforcement of foreign judgments, and the extraterritorial application of domestic law. The seminar will also examine the role of separation of powers and federalism in transnational litigation. Students who have taken International Litigation in the U.S. Courts are ineligible to enroll in this seminar. A student’s grade will be based on short reaction papers and a final examination. *Spring* Kruger, Leondra.

**TRIAL ADVOCACY.** *Autumn* Dutton, Tom; Van Wart, Kevin; Witt, Helen.

**TRIAL PRACTICE: STRATEGY AND ADVOCACY.** This seminar will focus on how trial lawyers develop strategy and themes from the beginning of a lawsuit through trial. The instruction will be by lectures, demonstrations, and participation in “learning-by-doing” exercises. This seminar will be centered on a specific trial problem (including a mini-trial at the end of the seminar), but attention also will be given to decision-making in the pre-litigation phase and how those decisions may affect a trial’s outcome. Students will learn how to use depositions, written discovery, expert witnesses, motions, and technology as effective litigation tools. While the instructor strongly recommends that students have a good understanding of the Federal Rules of Evidence before taking the seminar, this is not a prerequisite. Final grades will be based on a fifteen-page trial brief, class participation, and performance during the mini-trial. Enrollment is limited to 18 students. *Winter* Fields, Barry.

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

**UBS LAB: BANKING LAW PRACTICUM.** The objective of this three-quarter seminar is to create a student “laboratory” that will work closely with UBS’s General Counsel’s Office on legal initiatives relevant to the practice of a multinational banking and financial services firm. Substantial attention will be devoted to understanding and developing contractual “best practices” within an industry context comprising investment banking, wealth management, and asset management service offerings. Assignments will vary depending upon the diverse needs of this global “client” and, accordingly, the following is intended to provide guidance, rather than firm direction, to our sessions. (The schedule may prove to be overly ambitious and/or business need may dictate that we devote greater attention to particular topics; in either case, adjustments are likely) Strategic assignments spanning more than a single quarter are likely to focus upon legislative and regulatory issues, cross-border transactions, and/or compliance issues (e.g., employee classifications, overtime pay), and other matters relevant to the industry. The student’s grade will be based upon the quality of work product (40 percent), overall client service (30 percent), and collaborative efforts within a team environment (30 percent). Instructor approval required; submit requests in writing to Dean Zarfes (dzarfes@uchicago.edu). *Autumn, Winter, Spring* Zarfes, David.

**VOTING IN COURTS.** *Autumn* Nash, Jonathan.

**WORK, POVERTY, AND THE LAW.** Low-wage work is central to current antipover-ty efforts in the United States, efforts proceeding against the backdrop of a changing labor market, a globalizing economy, and a renewed emphasis on work in the social welfare system. This course surveys legal and policy topics with special significance for low-wage workers, such as minimum and living wage laws and the application of labor and employment law to sub-contracting arrangements, temp agencies, the informal economy, and domestic work. Attention is given throughout to how gender and race structure low-wage work and the law governing it. Topics often involve the intersection of employment and other bodies of law, for instance labor protections for undocumented immigrants, prison inmates, and participants in welfare work programs. Consideration is given throughout to alternatives to direct regulation of the employer-employee relationship, including cash transfers through tax, social insurance, or welfare systems and in-kind benefits such as subsidized child-care and job training. The student’s grade will be based on class participation and either a series of short reaction papers or, for an additional credit, a research paper, which may be used to fulfill the Substantial Writing Requirement. Although there is no formal prerequisite, the class is intended for students with prior coursework or relevant experience in employment, employment discrimination, labor, or social welfare law. *Spring* Zatz, Noah.

**WORKSHOP: CONSTITUTIONAL LAW.** This workshop, conducted over three sequential quarters, exposes students to recent academic work in constitutional law and the theory of constitutional interpretation. Workshop sessions are devoted to the presentation and discussion of papers from outside speakers, at six to eight sessions to be conducted regularly throughout the academic year. This workshop may be taken for fulfillment of the Substantial Writing Requirement. Grading is based on a substantial paper. Enrollment is limited. *Autumn, Winter, Spring* Strauss, David.

**WORKSHOP: LAW AND ECONOMICS.** This workshop, conducted over three sequential quarters, is devoted to the intensive examination of selected problems in the application of economic reasoning to a wide variety of legal questions. Workshop sessions will be devoted to the presentation and discussion of papers by students and by members of the faculty of the University of Chicago and of other institutions. The workshop meets every other week throughout the academic year. Students enrolled in the workshop receive five credits; two in Autumn, two in Winter, and one in Spring. Grading is based on the completion of a substantial paper that satisfies the Substantial Writing Requirement. *Autumn, Winter, Spring* Weisbach, David.

**WORKSHOP: LAW AND PHILOSOPHY.** This is a seminar/workshop most of whose participants are faculty from various area institutions. It admits approximately ten students by permission of the instructors. 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. There are twelve meetings throughout the year, always on Mondays from 4 to 6 PM. Half of the sessions are led by local faculty, half by visiting speakers. The leader assigns readings for the session (which may be by that person, by other contemporaries, or by major historical figures), and the session consists of a brief introduction by the leader, followed by structured questioning by the two faculty coordinators, followed by general discussion. Students write either two 4-6 page papers per quarter, or a 20-25 page seminar paper at the end of the year. The course satisfies the Law School Writing Requirement. The schedule of meetings will be announced by mid-September, and prospective students should submit their credentials to both instructors by September 20. Past themes have included practical reason; equality, privacy, autonomy, global justice, pluralism and toleration, war, sexuality, and family. Students are admitted by permission of the instructors. They should submit a c.v. and a statement (reasons for interest in the course, relevant background in law and/or philosophy) by September 20 to Nussbaum by e-mail. Usual participants include graduate students in philosophy, political science, and divinity, and law students. The theme for 2006-7 will be Disability. Speakers to be invited include Eva Kittay, Anita Silvers, Jeff McMahan, Ann Davis, Sam Bagenstos, Ruth Colker, Michael Stein, Elizabeth Emens (outside visitors); Adam Samaha, Richard Posner, Daniel Brudney, Martha Nussbaum, (locals). *Autumn, Winter, Spring* Nussbaum, Martha; Anderson, Scott.

**WORKSHOP: LAW AND POLITICS.** This workshop, conducted over two sequential quarters, is devoted to the intensive examination of selected problems arising at the intersection of law and politics. Workshop sessions will be devoted to the presentation and discussion of papers by members of the faculty of the University of Chicago and of other institutions. The substance and methodological orientation of the papers will both be diverse, but may include issues concerning legislative process, electoral structures, and the constitutional constraints on political institutions. The workshop will meet every other week during Fall and Winter quarters. Grading is based on class participation and the completion of 3 to 5 page papers that respond to the paper being presented. *Winter, Spring* Cox, Adam; Gersen, Jacob.

**WORKSHOP: LEGAL SCHOLARSHIP.** This multiquarter workshop is designed for students interested in developing either an existing paper (in need of substantial revision) or new research into a publishable article. In the Autumn quarter the course will be run as a faculty mini-workshop for Chicago area scholars to present their work, allowing the class to comment on their scholarship and learn about presentation skills. In the Spring Quarter the class will function as a workshop for students, enabling them to present their papers. In preparation for each meeting, students will submit short (2-3 page) critiques of the author's paper. Along the way, during the Autumn and Spring quarters, the professors will work with each student to get his/her piece into publishable shape. The student's grade is based on attendance, participation, and quality of the final writing. *Autumn, Winter, Spring* Bernstein, Lisa.

**WORKSHOP: REGULATION OF FAMILY, SEX, AND GENDER.** *Autumn, Winter, Spring* Case, Mary Anne.



## INDEPENDENT STUDY

**INDEPENDENT RESEARCH. 499.** Second- and third-year students may earn course credit by independent research under the supervision of a member of the faculty. Such projects are arranged by consultation between the student and the particular member of the faculty in whose field the proposed topic falls.

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

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

Papers completed for independent study credit do not automatically qualify for Substantial Writing Credit. A student who seeks SWC through an independent study should ascertain from the sponsoring faculty member whether that is possible and what standards are required to obtain certification of the project for SWC.

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

Douglas Baird: bankruptcy; contracts; intellectual property; commercial law.

Lisa E. Bernstein: contracts; commercial law.

Emily Buss: civil procedure; juvenile law; family law; evidence.

Mary Anne Case: regulation of family sex and gender; feminist jurisprudence; constitutional law; comparative civil law; European rights law.

Herschella P. Conyers: criminal justice; poverty; racism; legal services to the poor.

Adam Cox: voting rights; election law; immigration law; federal jurisdiction.

David P. Currie: constitutional law; federal jurisdiction.

Kenneth W. Dam: international trade; comparative public law; intellectual property.

Frank H. Easterbrook: antitrust; securities; interpretation.

Richard A. Epstein: any common law subject; property-related constitutional issues; law and economics; antitrust; intellectual property; legal history.

Lee Fennell: property; land use; local governments; housing; social welfare policy; behavioral law and economics.

Craig Futterman: police accountability; criminal justice; racism; poverty.

Jake Gersen: administrative law; legislation; law and political science.

Bernard Harcourt: (not teaching 2007-2008)

R. H. Helmholz: (not teaching 2007-2008)

M. Todd Henderson: corporate law; securities regulation; bankruptcy; intellectual property (especially international issues).

Mark J. Heyrman: rights of the disabled—particularly, the rights of the mentally handicapped, both in institutions and in the community; mentally handicapped in the criminal justice system, including fitness to stand trial, insanity defense, sexual offender laws.

- Dennis Hutchinson: legal and constitutional history; racism and the law; institutional studies of the U.S. Supreme Court.
- Joseph Isenbergh: domestic and international income and transfer taxation; corporate finance; tax policy; federal jurisdiction.
- Alison LaCroix: American legal history; federalism; separation of powers.
- William M. Landes: law and economics; intellectual property; torts.
- Jeff Leslie: affordable housing; tenants rights; and economic development transactions.
- Saul Levmore: public choice; torts; corporations; corporate tax; comparative law.
- Anup Malani: law and economics; health law; corporation law; bankruptcy.
- Jonathan Masur: administrative law; behavioral law and economics; patent law.
- Richard McAdams: criminal law and procedure; law and economics; social norms; race discrimination.
- Tom Miles: law and economics; empirical legal studies; criminal law; torts.
- Martha Nussbaum: moral and political philosophy; jurisprudence; law and literature; ancient Greek philosophy; feminist theory; theories of motivation; animal rights.
- Randy Picker: antitrust; copyright; network industries.
- Eric Posner: contracts; international law; foreign relations law.
- Richard A. Posner: economic analysis of law; judicial behavior; jurisprudence; national security law.
- Julie Roin: federal taxation; taxation of international transactions; state and local government.
- Gerald N. Rosenberg: empirical approaches to the study of law, courts, and judicial behavior; law and society; law and social change.
- Adam Samaha: constitutional law or theory; federal courts; civil procedure.
- Randall D. Schmidt: civil rights; employment discrimination; civil litigation—including discovery, pretrial procedures, trial practice, evidentiary issues, etc.
- Geoffrey R. Stone: evidence; freedom of speech and press; equal protection; search and seizure.
- Randolph N. Stone: criminal justice; ethics; legal profession; poverty; racism; legal services to the poor.
- Lior Strahilevitz: property and land use; privacy; trade secrets; law and technology; social network theory.
- David A. Strauss: constitutional law; federal jurisdiction; legal theory or jurisprudence; criminal procedure; civil procedure; administrative law; employment discrimination.
- Cass R. Sunstein: environmental law; occupational safety and health regulation; administrative law; separation of powers; jurisprudence and legal theory; constitutional law; social security and welfare law.
- David A. Weisbach: taxation.
- Diane P. Wood: international antitrust; antitrust; international trade and business; international conflicts of law-private international law; civil procedures.





## SUBJECT CATEGORIES FOR SECOND- AND THIRD-YEAR COURSES

Below is a representative sample of courses offered on a regular basis. Not every course or seminar listed is offered every year. For the most up-to-date listing of courses offered in the 2007-2008 school year, see the law school web site at <http://www.law.uchicago.edu/courses/index.html>.

### **ADMINISTRATIVE LAW, LEGISLATIVE PROCESS, AND GOVERNMENT REGULATION**

#### *Clinics*

Appellate Advocacy Clinic.  
Employment Discrimination Project.

#### *Courses*

Administrative Law.  
Admiralty Law.  
Environmental Law.  
Federal Regulation of Securities.  
Foreign Relations Law.  
Immigration Law and the Rights of  
Non-citizens.  
International Environmental Law.  
Labor and Employment Law.  
Labor Law.  
Land Use.  
Law and the Political Process.  
Legislation.  
Local Government Law.  
National Security Law. Network Industries.  
Telecommunications Law and Policy.

#### *Seminars*

Administrative Law, Private Law, and  
Institutional Design.  
Affordable Housing Transactions.  
Antitrust & Intellectual Property: Readings.  
Civil Liberties and National Security.  
Employee Benefits.  
Food and Drug Law.  
Law, Behavior, and Regulation.  
Law and Economic Development.

Law & Practice of Zoning, Land Use &  
Eminent Domain.  
Microsoft Lab: IT and Corporate Law  
Practicum.  
Non-Profit Organizations.  
Public Choice.  
Sarbanes-Oxley Act.  
Securities Litigation and Enforcement.  
Telecommunication Law: Advanced  
Issues.  
Topics State and Local Finance.  
UBS Lab: Banking and Corporate Law  
Practicum.  
Workshop: Law and the Political Process.

### **COMMERCIAL, BUSINESS, AND LABOR LAW**

#### *Clinics*

Employment Discrimination Project.  
Institute for Justice Clinic on Entrepre-  
neurship.  
Housing Project.

#### *Courses*

Advanced Securities.  
Antitrust Law.  
Bankruptcy and Reorganizations: The  
Federal Bankruptcy Code.  
Buyouts.  
Commercial Real Estate Law.  
Commercial Transactions.  
Copyright.  
Corporate Finance.  
Corporate Governance.  
Corporation Law.  
Employment and Labor Law.

Federal Regulation of Securities.  
Financial Accounting for Lawyers.  
Insurance Law.  
International Taxation.  
Investment Management.  
Labor Law.  
Land Use.  
Legal Elements of Accounting.  
Negotiation and Mediation.  
Network Industries.  
Patents.  
Remedies.  
Secured Transactions.  
Structuring International Business Transactions.  
Structuring, Negotiating, and Concluding Complex Business Transactions.  
Structuring Venture Capital and Entrepreneurial Transactions.  
Taxation of Corporations I.  
Taxation of Corporations II.  
Telecommunications Law and Policy.  
Trademarks and Unfair Competition.  
Transactional Lawyering.

**Seminars**

Advanced Antitrust.  
Advanced Issues in Telecommunication Law.  
Advanced Trademarks & Unfair Competition.  
Affordable Housing Transactions.  
Bankruptcy and Corporate Reorganization: Advanced Issues.  
Business Planning.  
Criminal Justice & Cyberlaw.  
Current Controversies in Corporate and Securities Law.  
Electronic Commerce Law.  
Employee Benefits.  
Entrepreneurship and the Law.  
Federal Regulation of the Employment Relationship.

Financing Real Estate Transactions.  
International Law, International Relations, and Contracts.  
International Sales.  
International Trade, Investment, and Finance.  
Law and Economic Development.  
Non-Profit Organizations.  
Practicing Corporate Law.  
Private and Public Commercial Law.  
Sarbanes-Oxley Act.  
Securities Litigation and Enforcement.  
Sports Law.  
Studies in Corporate Control.  
Telecommunication Law: Advanced Issues.  
Trade Secrets.  
Work, Poverty, and Law.

## **CONSTITUTIONAL LAW**

### ***Courses***

American Law and the Rhetoric of Race.  
Constitutional Decisionmaking.  
Constitutional Law I: Governmental Structure.  
Constitutional Law II: Freedom of Speech.  
Constitutional Law III: Equal Protection and Substantive Due Process.  
Constitutional Law IV: Speech and Religion.  
Constitutional Law V: Freedom of Religion.  
Criminal Procedure I: The Investigative Process.  
Criminal Procedure II: The Adjudicative Process.  
Criminal Procedure III: Further Issues in Criminal Procedure.  
Foreign Relations Law.  
Human Rights: Alien and Citizen.  
Immigration Law and the Rights of Non-citizens.

Privacy.  
 Regulation of Sexuality.  
 Sex Discrimination.  
 Right to Counsel in the Criminal Justice System.

### **Seminars**

Civil Liberties and National Security.  
 Comparative Constitutional Design.  
 Constitutional Decision Making.  
 Constitution in Congress.  
 Diversity and Community Standards.  
 European Union Law I: Constitutional and Institutional Framework.  
 First Amendment and the Media.  
 Free Speech Theory.  
 Law and Politics: U.S. Courts as Political Institutions.  
 Originalism's Alternatives.  
 U.S. Supreme Court.  
 Workshop: Constitutional Law.

## **COURTS, JURISDICTION, AND PROCEDURE**

### **Clinics**

Appellate Advocacy Clinic.

### **Courses**

Admiralty Law.  
 Constitutional Decisionmaking.  
 Conflicts of Law.  
 Criminal Procedure I: The Investigative Process.  
 Criminal Procedure II: The Adjudicative Process.  
 Criminal Procedure III: Further Issues in Criminal Adjudication.  
 Evidence.  
 Federal Jurisdiction.  
 Intellectual Property Litigation: Advanced Issues.  
 International Litigation in U.S. Courts.  
 Legal Ethics.  
 Legal Profession.

Local Government Law.  
 Professional Responsibility.  
 Remedies.  
 The Right to Counsel in the Criminal Justice System.

### **Seminars**

Advanced Civil Procedure: Complex Litigation.  
 Advanced Trial Advocacy.  
 Class Action Controversies.  
 Complex Appellate Litigation.  
 Complex Litigation Management.  
 Federal Courts from the Judge's Perspective  
 Intensive Trial Practice Workshop.  
 Juvenile Justice System.  
 Law and Politics: U.S. Courts as Political Institutions.  
 Law and the Political Process.  
 Legal Interpretation.  
 Pre-Trial Advocacy.  
 Practicing Corporate Law.  
 Trial Practice: Strategy and Advocacy.  
 U.S. Supreme Court.  
 Voting in Courts.  
 White Collar Criminal Practice and Advocacy.

## **CRIMINAL LAW AND CRIMINAL PROCEDURE**

### **Clinics**

Criminal and Juvenile Justice Project.  
 67213.  
 Civil Rights Clinic: Police Accountability.  
 90913.

### **Courses**

Criminal Procedure I: The Investigative Process. 47201.  
 Criminal Procedure II: The Adjudicative Process. 47301.  
 Criminal Procedure III: Further Issues in Criminal Adjudication.  
 Evidence.  
 Federal Criminal Law.

International Criminal Law.  
 Right to Counsel in the Criminal Justice System.  
 White Collar Crime.

### **Seminars**

Advanced Issues in Criminal Procedure.  
 Civil Liberties and National Security.  
 Corporate Crime & Investigation.  
 Criminal Investigation: Interrogation Methods and Undercover Operations.  
 Criminal Justice & Cyberlaw.  
 Sentencing.  
 White Collar Criminal Practice and Advocacy.  
 Workshop: Crime and Punishment.

## **FAMILY LAW, PROPERTY RIGHTS, TORTS, AND INSURANCE**

### **Clinics**

Criminal and Juvenile Justice Project.  
 Immigrant Children's Advocacy Project.  
 Mental Health Advocacy.

### **Courses**

Art Law.  
 Children and the Law.  
 Copyright.  
 Education and Moral Psychology.  
 Environmental Law.  
 Family Law.  
 Labor Law.  
 Land Use.  
 Law and Economic Development.  
 Law and the Mental Health System.  
 Marriage.  
 Parent, Child, and the State.  
 Patents.  
 Regulation of Sexuality.  
 Sex Discrimination.  
 Sex Equality.  
 Sexual Orientation and the Law.  
 Trademarks and Unfair Competition.  
 Trusts & Estates.

### **Seminars**

Affordable Housing Transactions.  
 Divorce Practice.  
 Elder Law.  
 Genetic Property and the Law.  
 Employee Benefits.  
 Historic Preservation Law.  
 Juvenile Justice System.  
 Law, Behavior, and Regulation.  
 Law & Practice of Zoning, Land Use & Eminent Domain.  
 Law and Science.  
 Law, Science, and Medicine.  
 Reproductive Law and Ethics.  
 Risk and Uncertainty.  
 Social Welfare Law.  
 Topics in U.S. Health, Economics, Sociology, and Policy.

## **HEALTH LAW**

### **Clinics**

Mental Health Advocacy.

### **Courses**

Children and the Law.  
 Family Law.  
 Genetic Property and the Law.  
 Health Law.  
 Health Law and Policy.  
 Insurance Law and Policy.  
 Law and the Mental Health System.  
 Parent, Child, and the State.

### **Seminars**

Elder Law.  
 Food and Drug Law.  
 Health Care Resource Allocation.  
 Law and Science.  
 Law, Science, and Medicine.  
 Reproductive Law and Ethics.  
 Topics in U.S. Health, Economics, Sociology, and Policy.

**INTELLECTUAL PROPERTY,  
TECHNOLOGY LAW, &  
ENTREPRENEURSHIP**

***Clinic***

Institute for Justice Clinic on  
Entrepreneurship.

***Courses***

Art Law.  
Antitrust Law.  
Copyright.  
Entertainment Law.  
Intellectual Property Litigation;  
Advanced Issues.  
International Intellectual Property.  
Network Industries.  
Patents.  
Structuring Venture Capital &  
Entrepreneurial Transactions.  
Telecommunications Law and Policy.  
Trademarks & Unfair Competition.

***Seminars***

Advanced Antitrust.  
Advanced Issues in Telecommunication  
Law.  
Advanced Trademarks and Unfair  
Competition.  
Criminal Justice & Cyberlaw.  
Electronic Commerce Law.  
Entrepreneurship & the Law.  
Information Technology Law: Seminar in  
Complex Industry Transactions.  
Intellectual Property Law: Advanced  
Issues.  
Intellectual Property Law and the  
Regulation of Information.  
IT: Complex Industry Transactions.  
IT: Negotiating the Path to Outsourcing  
Success.  
Law and Technology: Current Issues.  
Sports Law.  
Trade Secrets.

**INTERNATIONAL AND COMPAR-  
ATIVE LAW**

***Clinics***

Immigrant Children's Advocacy Program.

***Courses***

Comparative Law.  
East Asian Law.  
European Legal History.  
Foreign Relations Law.  
Human Rights: Alien and Citizen.  
Human Rights III: Current Issues in  
Human Rights.  
Immigration Law and the Rights of  
Non-citizens.  
International Business Transactions.  
International Criminal Law.  
International Finance.  
International Intellectual Property.  
International Taxation.  
Public International Law I.  
Public International Law II.  
Structuring International Business Trans-  
actions.

***Seminars***

Advanced Topics in International and  
Foreign Relations Law.  
Competition Policy in the European  
Union.  
European Legal History.  
European Union Law I: Constitutional  
and Institutional Framework.  
European Union Law II: Current Legal  
and Political Problems.  
International Arbitration.  
International Law and International  
Relations Theory.  
International Sales.  
International Trade Regulation.  
Islam and International Law.  
Islamic Law in the Modern World.  
Japanese Law.

Legal Aspects of Contemporary China's Economic Transition.  
 Legal History of Early China.  
 Nonproliferation and International Trade in Nuclear Materials.  
 Laws of War.  
 Torture, the War on Terror, and the War in Iraq.  
 Workshop: International Law.

## **JURISPRUDENCE AND LEGAL THEORY**

### ***Courses***

Economic Analysis of the Law.  
 Feminist Jurisprudence.  
 Human Rights: Alien and Citizen.  
 Law and the Mental Health System.  
 Legal Profession.  
 Professional Responsibility.

### ***Seminars***

American Legal Theory.  
 U.S. Courts as Political Institutions.  
 Law, Behavior, and Regulation.  
 Legal Interpretation.  
 Voting in Courts.  
 Workshop: Crime and Punishment.  
 Workshop: Law and Economics.

## **LEGAL HISTORY**

### ***Courses***

American Law and the Rhetoric of Race.  
 American Legal History: 1607-1870.  
 European Legal History.  
 History of American Federalism: Origins to the Civil War.  
 History of American Legal Thought in the Twentieth Century.  
 Legal History of Early China.

### ***Seminars***

Constitutional Traditions in European Legal History.  
 Judicial Review Before the Founding.  
 Torture, the War on Terror, and the War in Iraq.

## **TAXATION**

### ***Courses***

International Taxation.  
 Introductory Income Tax.  
 Legal Elements of Accounting.  
 Partnership Taxation.  
 Structuring Venture Capital and Entrepreneurial Transactions.  
 Taxation of Corporations I.  
 Taxation of Corporations II.

### ***Seminars***

Business Planning.  
 Employee Benefits.  
 Estate and Gift Tax.  
 Tax Policy.  
 Topics in State & Local Finance.

## **COMPLEMENTARY, MULTIDISCIPLINARY, & CROSS-LISTED COURSES**

### ***Courses***

American Law & the Rhetoric of Race.  
 Art Law.  
 Decisionmaking.  
 Health Law & Policy.  
 Human Rights III: Current Issues in Human Rights.  
 Law and Emotions.  
 Legal Scholarship Workshop.  
 National Identity and Citizenship in U.S. History.

Plato's *Phaedrus*.

Professional Responsibility.

Price Theory.

**Seminars**

Diversity and Community Standards.

Education and Moral Psychology.

Game Theory and the Law.

Higher Education and Law.

Law and Economics of Health Care.

Law and Literature.

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

Legal Writing and Analysis.

Recent Literature on Courts. 54402.  
(POLSCI).

Risk and Uncertainty.

Roman Law.

Sports Law.

Workshop: Crime and Punishment.

Workshop: Law and Philosophy.

**Clinical Courses**

Appellate Advocacy.

Civil Rights Clinic: Police Accountability.

Criminal and Juvenile Justice Project.

Housing Project.

Immigrant Children's Advocacy Project.

Institute for Justice Clinic on Entrepreneurship

Mental Health Advocacy.

Poverty & Housing Law Clinic.

