

# COURSES

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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 at [registrar.uchicago.edu/classes](http://registrar.uchicago.edu/classes). The course descriptions below, however, provide a representative overview of the curriculum.

## FIRST YEAR COURSES

### **Civil Procedure I**

LAWS 30211 - 01 (3)

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.

Autumn - Buss, Emily

### **Civil Procedure I**

LAWS 30211 - 02 (3)

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. Please note: there will be three make-up classes held on the following days: Tuesday, October 10, October 17, and November 7, from 4:00-5:45pm in room III.

Autumn - Casey, Anthony

### **Civil Procedure II**

LAWS 30221 - 01 (3)

Civil Procedure is offered in two parts. Part I meets in the Autumn Quarter and addresses the mechanics of civil litigation, with special reference to pleading, discovery, and trial, including the respective roles of judge and jury. Part II is offered in the Spring Quarter and focuses on the study of the power of particular

courts to decide cases (subject matter jurisdiction); jurisdiction of the courts over the person or things before them; the scope and effect of judgments; principles of finality of judgments; and the rules governing joinder of claims and parties. The student's grade is based on an examination given at the end of each quarter.

Spring - Casey, Anthony

### **Civil Procedure II**

LAWS 30221 - 02 (3)

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 and class actions. The student's grade is based on an examination given at the end of each quarter.

Spring - Hubbard, William

### **Contracts**

LAWS 30511 - 02 (3)

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

Winter - Ben-Shahar, Omri

### **Contracts**

LAWS 30511 - 01 (3, 3)

This course, offered over two sequential quarters, is an introduction to contract law. The Contracts course deals with how contracts are formed, which contracts are valid, when a contract has been breached, and the various remedies for breach, including damages, specific performance, and restitution. The student's grade is based on a single final examination.

Winter, Spring - Posner, Eric

**Contracts**

LAWS 30511 - 02 (3)

This course, offered over two sequential quarters, is an introduction to commercial and consumer law and lays the foundation for advanced study in commercial transactions, corporations, restitution, consumer credit, insurance, labor and employment law, and investment securities. Substantively, the Contracts course deals with how contracts are formed, which contracts are valid, when a contract has been breached and the various remedies for breach, including damages, specific performance, and restitution. The student's grade in contracts is based on a single final examination.

Spring - Baird, Douglas

**Criminal Law**

LAWS 30311 - 01 (3)

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 a single final examination.

Autumn - McAdams, Richard

**Criminal Law**

LAWS 30311 - 02 (3)

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

**Criminal Law**

LAWS 30311 - 01 (3)

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

Winter - Lakier, Genevieve

**Criminal Law**

LAWS 30311 - 02 (3)

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

**Elements of the Law**

LAWS 30101 – 02, 03 (3)

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

Autumn - McAdams, Richard; Strahilevitz, Lior

**Elements of the Law**

LAWS 30101 - 01 (3)

This course examines the role of judges in our legal system, focusing particularly on the processes of statutory and constitutional interpretation. The subjects for discussion include the nature of, and justification for, reasoning from precedent; the meaning of originalism and other methods of interpretation; and the role of history and context in judicial decision making.

Autumn - Stone, Geoffrey

**Lawyering: Brief Writing, Oral Advocacy and Transactional Skills**

LAWS 30712 - 01, 02, 03, 04, 05, 06 (2)

This experiential class provides first-year students with a broad range of transactional and litigation-oriented lawyering skills including brief writing; oral advocacy; contract-drafting; and negotiation strategy. In preparation for this class, all first-year students must complete a specially-designed transactional module taught by members of the Law School's clinical faculty and focusing on a range of key competencies, including contract-drafting and negotiation strategy, among other areas. Students then move to developing their research and writing skills by drafting an appellate brief based on a factual scenario that mirrors real life cases encountered in day-to-day legal practice. During the brief-writing process, students will be introduced to the Federal Rules of Appellate Procedure and the

basic rules of professional conduct that govern formal court submissions. After completing the brief, students will focus on developing their presentation skills and attend a lecture on oral advocacy by a federal appellate judge. The class culminates in the formal Bigelow Moot Court, in which students argue before a three-judge panel of law professors and distinguished attorneys who will provide students with (1) an opportunity for self-assessment, and (2) individualized feedback on their oral advocacy. Each of the experiential components of the Lawyering class – brief writing, oral advocacy, and the transactional module – builds upon the competencies that students have developed throughout the first-year legal writing program and provides them with an introduction to basic lawyering skills.

Spring - Feinstein, Brian; Zambrano, Diego; Shapiro, Dorothy; Kaufman, Emma Elizabeth; Padi, Manisha; Hafiz, Hiba

### **Legal Research and Writing**

LAWS 30711 - 01, 02, 03, 04, 05, 06 (1, 1)

All first-year students participate in the legal research and writing program, which provides an introduction to the key tools and methods of lawyering. Students will develop several skills core to legal practice, including legal research, application of law to facts, and effective communication of legal reasoning and analysis through written work. The course work includes two major writing assignments: a fall “closed” and winter “open” memo. Both memos require students to identify relevant facts, weigh legal arguments available to each side, and assess which side is likely to prevail on each issue. All research required for the closed memo will be provided by the Bigelow Fellows. The open memo assignment requires students to research the relevant cases, statutes, and other sources of law using an electronic legal database. After submitting the final draft of their open memos, students will transition to the transactional module taught by members of the Law School’s clinical faculty.

Autumn, Winter - Feinstein, Brian; Zambrano, Diego; Shapiro, Dorothy; Kaufman, Emma Elizabeth; Padi, Manisha; Hafiz, Hiba

### **Property**

LAWS 30411 - 01 (3, 3)

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

Winter, Spring - Abebe, Daniel; Strahilevitz, Lior

**Property**

LAWS 30411 - 02 (3, 3)

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, conveyancing, zoning, and takings. The student's grade is based on a single final examination. Participation may be taken into account as indicated in the syllabus.

Winter, Spring - Fennell, Lee

**Torts**

LAWS 30611 – 01, 02 (3,3)

The focus of this course, offered over two sequential quarters, is on the Anglo-American system (mainly judge-created) dealing with injury to person or property. Special stress is laid on the legal doctrines governing accidental injury, including negligence and strict liability. Grades are based on a single final examination at the end of the two-quarter sequence.

Autumn - Hemel, Daniel; Levmore, Saul

Winter – Chilton, Adam; Levmore, Saul

## SECOND- AND THIRD-YEAR OFFERINGS

**Abrams Environmental Law Clinic**

LAWS 90224 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

Students in the Abrams Environmental Law Clinic work to address climate change, water pollution and legacy contamination and to protect natural resources and human health. Clinic students engage in a wide variety of activities to learn practical legal skills, such as conducting factual investigations, interviewing witnesses and preparing affidavits, reviewing administrative determinations, drafting motions, working with experts, arguing motions and presenting at trial or an administrative hearing, among other activities. The Clinic generally represents regional and national environmental organizations and works with co-counsel, thus exposing students to the staff of these organizations and other experienced environmental lawyers. In addition to litigation, the Clinic may also engage in legislative reform and rule-making efforts; students interested solely in that kind of work should notify the instructor before joining the Clinic, if possible. While it helps for students to have taken or be taking one or more of Environmental Law, Administrative Law, Evidence, or Intensive Trial Practice, these courses are not

pre-requisites or co-requisites. A student should plan to enroll in the Clinic for two credits per quarter, although he or she may enroll for one, two or three credits per quarter after consultation with clinic faculty. Students need to take a substantive environmental law class at some point when they are in the clinic. They are not precluded from taking the class if they have not yet taken Environmental Law when they enroll in the clinic and are not able to do so their first quarter due to when courses are offered. Nonetheless, students do need to take an environmental law class (any of the main stand-up class, climate change, or international environmental law) at some point when they are in the clinic.  
Autumn, Winter, Spring - Templeton, Mark; Weinstock, Robert

### **Accounting and Financial Analysis**

LAWS 43248 - 01 (3)

This course is designed to quickly introduce you to (or, preferably, refresh your knowledge of) basic financial accounting [first two weeks of class] and then aims to aggressively increase your ability to be a highly sophisticated user of financial statements. After taking this course, you should improve your ability to determine a firm's accounting policy for a particular type of transaction and to determine how that policy choice affects its primary financial statements. You will also learn how to question whether these effects fairly reflect the underlying economics of the firm's transactions. Asking these questions involves an interplay between accounting, economics, finance, law and business strategy. You should therefore greatly improve your ability to use an accounting report as part of an overall assessment of the firm's strategy and the potential rewards and risks of dealing with the firm. It is REQUIRED that students registering for this course have a thorough exposure to accounting course work, at least at the level provided by the Booth course Financial Accounting (B30000). Fundamentals of Accounting for Attorneys (LAWS 79112 or 53260) does not provide a sufficient foundation for this course. Students who have not taken B30000, but feel they have taken an equivalent level of accounting coursework, must petition for a waiver from Professor Berger at [Philip.berger@chicagobooth.edu](mailto:Philip.berger@chicagobooth.edu).

Spring - Berger, Philip

### **Administrative Law**

LAWS 46101 - 01 (3)

This course examines the structure of the administrative state, its relations to the other branches of government and private citizens, and the constitutional, statutory, and common law rules that govern the substance and procedure of administration action and inaction. The course focuses on some constitutional topics, including the non-delegation doctrine, presidential control over administrative agencies, and the delegation of adjudicative authority to non-Article III officers. Substantial attention is given to the Administrative Procedure Act (APA) and other statutory requirements for lawful agency action. Covered topics

include the proper role of agencies in interpreting statutory and regulatory law; judicial review of agency decisions; public participation in agency rulemaking; and non-traditional approaches to regulation, including negotiation and privatization. A central theme of the course is how the law manages the tension between rule of law values (e.g., procedural regularity, accountability, and substantive limits on arbitrary action) and the desire for flexible, effective administrative governance. The student's grade is based on a final examination.  
Autumn - Stephanopoulos, Nicholas

### **Administrative Law**

LAWS 46101 - 01 (3)

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

Spring - Nou, Jennifer

### **Administrative Law Theory and Practice**

LAWS 53349 - 01 (3)

This seminar has two goals. First, it will introduce the concept of big-case Supreme Court strategy, from the perspective of both advocate and client, with the aid of guest appearances by eminent lawyers and business executives. Among those scheduled to appear are Mary Tolan, General Partner, Chicago-Pacific Founders and member, University of Chicago Board of Trustees; C. Boyden Gray, former White House Counsel and Ambassador to the European Union; Justice Judith French, Ohio Supreme Court, W. Thomas Haynes, former General Counsel Coca-Cola North American and Executive Director, Coca-Cola Bottlers' Association, Tracy Genesen, Wine Institute General Counsel, and Jack McMackin, Williams & Jensen, and Ashley C. Parrish, King & Spalding. Second, the seminar will explore from a jurisprudential standpoint today's administrative-law controversies -- above all, the fundamental challenges to traditional non-delegation and Chevron deference doctrines. The unifying theme for these seemingly distinct topics is the

need for lawyers to delve one layer of logic deeper when confronting difficult problems of theory and practice. Grades will be based on three five-page papers. Class readings will be drawn a reading packet consisting of an eclectic mix of traditional and non-traditional legal materials. Administrative Law (whether taken previously or concurrently) is helpful but NOT required.  
Spring - Gasaway, Robert

### **Admiralty Law**

LAWS 43224 - 01 (3)

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

Autumn - Schmidt, Randall

### **Advanced Civil Procedure**

LAWS 43208 - 01 (3)

This course examines salient features of major civil litigation from both a practitioner's and a policymaker's perspective. Broadly, these features fall into two categories: issues with forum and aggregation on the one hand, and problems with the collection and production of evidence on the other. Topics in the first category include class actions, multi-district litigation, and arbitration. Topics in the second category include electronic discovery, expert witnesses, and preservation of evidence. In addition, this course studies how the federal rulemaking process, statutes, and judicial decisions compete to define the procedures that govern civil litigation. The student's grade is based on a final examination with limited consideration of class participation.

Autumn - Hubbard, William

### **Advanced Contract Skills**

LAWS 54274 - 01 (3)

This three-credit seminar will include a series of discrete topics to help students who want to become transactional lawyers hone more advanced contract skills (perhaps including pre-contract issue spotting, review of and issue spotting in more complex types of agreements, pros and cons of contract simplification, drafting of transaction-specific provisions raising complex business issues, etc.). Some classes will include guest speakers from practice (both law firm and in-house counsel). Contract Drafting and Review is a prerequisite for this seminar. Grades will be based upon class participation, preparation for guest speakers, and a series of weekly written homework assignments and in-class exercises.

Spring - Neal, Joan

**Advanced Contracts: Sales Law for A Modern Economy**

LAWS 81006 - 01 (3)

This course is an advanced contracts course that focuses on Article 2 of the Uniform Commercial Code. It presents the material from a hybrid jurisprudential, transactional and litigation perspective in an effort to help students integrate what they have learned about contracts in theory, into the types of tasks that they will face as a transactional lawyer. For (almost) every class students will prepare a written exercise (about 2-4 pages) applying the material in the reading, these range from writing letters to clients, to lecturing the loading dock staff of a company, to researching the content of industry norms, to drafting contract clauses to deal with particular transactional realities. During the quarter students will do a mock appellate argument, a negotiation, and will draft a sales agreement. There is no exam. Written assignments and the final contract will count for 60% of the grade, the other 40% will be based on class preparation and participation.

Spring - Bernstein, Lisa

**Advanced Federal Criminal Justice Practice**

LAWS 53386 - 01 (2)

This course will integrate instruction on federal criminal issues and procedures with simulated practice by students. The course will cover federal criminal pretrial practice from investigation up to trial, and provide multiple opportunities for student performance to develop professional skills and understanding. In particular, the course will provide instruction on (i) federal investigation techniques and authority (Grand Jury/administrative subpoenas and search warrants); (ii) corporate internal investigations and related privilege and ethical issues; (iii) federal prosecution guidelines and charging decisions; (iv) initial appearances following arrest/indictment, and accompanying bail/detention proceedings (v) criminal discovery under the federal rules; (vi) pretrial motions and practice; and (vii) plea agreements (including deferred- and non-prosecution agreements) and cooperation. Students will be expected to engage in regular practice simulations related to the pretrial stages of a federal criminal case, overseen by the instructor. For example, students will conduct mock witness interviews in the context of a corporate internal investigation and draft accompanying interview memoranda, present motions and arguments seeking, and objecting to, pretrial detention, and prepare motions in limine seeking to exclude or admit evidence. Although the course will provide opportunities for oral and written advocacy, these opportunities will focus on pretrial proceedings rather than concern trial advocacy. A student's grade would be based on performance in simulated practice opportunities (both oral and written) and a final written examination.

Winter - Doss, Michael

### **Advanced Issues in Delaware Corporate Law**

LAWS 43203 - 01 (1)

This course examines current hot topics in Delaware corporate law, relying principally on judicial decisions and academic or practitioner commentary. It is not a high-level survey course; instead, the course will consider issues such as why Delaware occupies a dominant position in the field of corporate law, and will explore particular aspects of that law, including judicial standards of review, common law fiduciary duties of managers and directors, change of control transactions, conflict transactions, poison pills, and defensive mechanisms—all in the context of particular decisions by the Delaware Court of Chancery and Supreme Court. The class is intended to be a focused course on how corporate law is made in Delaware, as well as the policy reasons underlying its law. Grades will be based on class participation and either a paper or an in-class examination.

Spring - Chandler, William

### **Advanced Legal Research**

LAWS 53264 - 01 (2 TO 3)

The purpose of this seminar is to enhance students' knowledge of legal sources and to develop their ability to research the law. The class will cover the basic categories of legal research in depth and with a focus on practical skills and efficiency, including statutes, administrative law, legislative history, cases, and secondary sources. This seminar also will address a series of practice areas such as corporate and securities, tax, transactional, federal procedure, and intellectual property, focusing on the substantive resources and practical research skills for each. Upon successful completion of the class, students will expand their understanding of research resources in a variety of areas, will improve their skills in using legal research tools, and will develop extensive research knowledge in at least one area from their work on a final research paper. The seminar will be limited to twenty-five students with priority to third year students. To receive credit for this course, students must complete research assignments (30 percent of grade), submit a research paper on a topic approved by the instructor (60 percent of grade), and attend and participate in course meetings (10 percent). Students may earn either 2 or 3 credits for this seminar depending upon the number and nature of assignments completed and the length of their final paper. A 20-25 page paper will be required for the 3-credit option for this course. For the 2-credit option for this seminar, students will write a 10-15 page paper. In the research paper, the student should extensively and comprehensively address sources for researching the topic, discuss successful and less useful techniques, and recommend research strategies.

Autumn - Ito, Todd

**Advanced Legal Research**

LAWS 53264 - 01 (2 TO 3)

The purpose of this seminar is to enhance students' knowledge of legal sources and to develop their ability to research the law. The seminar will cover the basic categories of legal research in depth and with a focus on practical skills and efficiency, including statutes, administrative law, legislative history, cases, and secondary sources. This seminar also will address a series of practice areas such as corporate and securities, tax, transactional, federal procedure, and intellectual property, focusing on the substantive resources and practical research skills for each. Upon successful completion of the seminar, students will expand their understanding of research resources in a variety of areas, will improve their skills in using legal research tools, and will develop extensive research knowledge in at least one area from their work on a final research paper. The seminar will be limited to twenty-five students with priority to third year students. To receive credit for this seminar, students must complete research assignments (30 percent of grade), submit a research paper on a topic approved by the instructor (60 percent of grade), and attend and participate in course meetings (10 percent). Students may earn either 2 or 3 credits for this seminar depending upon the number of assignments completed and the length of their final paper (minimum 20 pages for 3 credits; 10 pages for 2 credits). In the research paper, the student should extensively and comprehensively address sources for researching the topic, discuss successful and less useful techniques, and recommend research strategies.

Winter - Lewis, Sheri

**Advanced Legal Writing**

LAWS 43251 - 01 (2)

This course will prepare law students for the working world by honing writing skills for briefs, memoranda, motions, and contracts. We will discuss and practice the major principles of legal writing in plain English -- no jargon, no legalese, no anachronistic fluff. In addition to fine-tuning basic and more advanced writing skills, students will learn how to use their writing to win arguments, persuade clients and sharpen their thinking. The class will function largely as a workshop where we analyze the impact of various writing styles. Regular attendance is essential. Through exercises and group critiques, students will learn to write more succinctly and effectively. Better writers make better lawyers. The course concludes with an eight-hour take-home examination, which determines the student's grade. Students must complete all assignments before the exam. This course satisfies the Writing Project writing requirement. Legal Research and Writing is a pre-requisite.

Spring - Duquette, Elizabeth

**Advanced Topics in Corporate Reorganizations**

LAWS 53118 - 01 (2)

This 2-credit seminar explores emerging issues in corporate reorganization. We are principally interested in the ever-present tension between bankruptcy law and policy and the practical reality of managing a company's business in Chapter 11. The seminar will address such broad topics as restructuring support agreements, asset sales, post-petition financing, structured dismissals, and the role of creditors' committees. Final grade will be based on: a series of short reaction papers, class participation.

Spring - Baird, Douglas; Sontchi, Christopher

**Advanced Topics in Financial Regulation**

LAWS 53329 - 01 (2 TO 3)

This seminar looks at recent topics in financial regulation with special attention to the continuing effects of the financial crisis of 2008. Among other topics, we will examine the LIBOR scandal, the litigation over financial crisis era bailouts, the European debt crisis, and the current push for financial deregulation. While there is no formal prerequisite, students should have some background in the law and some familiarity with financial concepts, or be willing to do some outside reading in order to catch up with the class. Final grade will be based on: a major paper, a series of short research papers.

Winter - Posner, Eric

**Advanced Topics in Moral, Political, and Legal Philosophy**

LAWS 53256 - 01 (3)

Anglophone epistemology has recently become interested in the question whether the origin of our beliefs matters to their acceptability or justification. The intuitive thought is simple: If you had been brought up in a different family, or a different culture, or at a different time, your moral, religious, and philosophical beliefs (among any others) would likely have been very different than they are. Shouldn't that make us wonder whether we are really justified in believing what we believe? Should the origin or historical contingency of our beliefs and values make us skeptical about them, or lead us to revise them? Many historical figures have thought so: in different ways, Herder, Marx, and Nietzsche. Many recent Anglophone philosophers think not: they ask what epistemological principle would license a localized skepticism about certain beliefs without having far-reaching implications? When does the etiology of belief matter epistemically and when does it not? We begin by looking at contemporary approaches to this question in the recent Anglophone literature, then turn to the important historical figures concerned with these issues.. Final grade will be based on a major paper.

Winter - Forster, Michael; Leiter, Brian

**American Indian Law**

LAWS 53278 - 01 (3)

This course will consider two distinct bodies of law regarding the 565 federally recognized Indian tribes in the United States. First, we will study the law governing the relation between non-tribal law and tribal law. This is the law of treaties, federal jurisdiction, and sovereignty. The Supreme Court has several cases on tribal issues each year, and with the rise of gaming and natural resources as major sources of wealth, the stakes in these cases for tribe members and non-members is increasing. The materials for the course will be mostly Supreme Court cases, as well as some historical materials necessary to understand the context of the judicial consideration of tribal jurisdiction. The flavor for this part of the course will be international law, although with a decidedly American approach. Second, we will study the law within several prominent tribal areas. The Hopi, for instance, have a court system that is roughly parallel to the American one, but with key differences for handling crimes, contracts, torts, and so on. The flavor for this part of the course will be comparative law, since we will compare how different legal rules develop in distinct but related legal systems. This course is mandatory for students interested in participating in the Hopi Clerkship Program (serving as clerks to justices of the Hopi Appellate Court on live cases), but it is open to all students with an interest in tribes, federal jurisdiction, sovereignty, or comparative law.

Autumn - Henderson, M. Todd; Richland, Justin

**American Law and the Rhetoric of Race**

LAWS 49801 - 01 (3)

This course presents an episodic study of the ways in which American law has treated legal issues involving race. Two episodes are studied in detail: the criminal law of slavery during the antebellum period and the constitutional attack on state-imposed segregation in the twentieth century. The case method is used, although close attention is paid to litigation strategy as well as to judicial opinions.

Undergraduate students registering in the LLSO, PLSC, HIST, AMER cross-listed offerings must go through the undergraduate pre-registration process. Law students do NOT need consent.

Spring - Hutchinson, Dennis

**American Legal History: The Twentieth Century**

LAWS 43268 - 01 (3)

This course examines major legal and constitutional conflicts in twentieth century American history. Topics include law and social movements, the role of the courts, rights consciousness, the legal profession, and legal thought. Students will connect legal texts and legal struggles to broader developments in social, cultural, and political history. Grading is based on class participation and a final examination.

Spring - Weinrib, Laura

### **Anthropology and Law**

LAWS 53306 - 01 (3)

This seminar for law students and graduate students in the social sciences will provide an introduction to the field of legal anthropology. We will address anthropological theories of the nature of law and disputes, examine related studies of legal structures in non-Western cultures, and consider the uses of anthropology in studying facets of our own legal system. By examining individual legal institutions in the context of their particular cultural settings, we can begin to make cross-cultural comparisons and contrasts. In so doing, we confront the challenge of interpreting and understanding the legal rules and institutions of other cultures while assessing the impact of our own social norms and biases on the analysis. Thus, our analytic and interpretative approach will require us to examine the cultural assumptions that underpin various aspects of our own belief systems and the American legal system. Requirements for this seminar course include preparation of a research paper and thoughtful class participation. Writing for this seminar may be used as partial fulfillment of the JD writing requirement (SRP or WP).

Winter - Fennell, Christopher

### **Antitrust Law**

LAWS 42801 - 01 (3)

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

Winter - Picker, Randal

### **Arbitration in the United States**

LAWS 53332 - 01 (2 TO 3)

This seminar focuses on arbitration as a means of resolving both domestic and international commercial disputes. The seminar will explore the advantages and disadvantages of arbitration as compared to both mediation and litigation in the courts. The seminar will also address (among other topics) the nature and scope of arbitral jurisdiction; the nature of the arbitral process; the scope of discovery in domestic and international arbitrations; techniques of effective advocacy in arbitral hearings; the enforcement of domestic and international arbitral awards; and

judicial review of arbitral proceedings. A major focus of the class will be a series of recent Supreme Court decisions in which the Court has limited the scope of judicial review of arbitral awards and clarified the ways in which arbitral agreements can limit liability (for example, by barring class actions). Finally, the seminar will examine international arbitration in the United States, including the U.S. enforcement of international awards and the conduct in the U.S. of arbitral proceedings involving foreign governments and private parties (“Investor-State” arbitrations). Final grade will be based on: a major paper and class participation  
Winter - Ferguson, James

### **Art Law**

LAWS 53263 - 01 (3)

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. Final grade will be based on: a series of short research papers and class participation  
Autumn - Hirschel, Anthony; Landes, William

### **Bankruptcy and Reorganization: The Federal Bankruptcy Code**

LAWS 43234 - 01 (3)

This course studies the Federal Bankruptcy Code and the law of corporate reorganization. Topics include the rights of creditors in bankruptcy, the relationship between bankruptcy law and state law, the treatment of executory contracts, bankruptcy planning, the restructuring of corporations in Chapter 11, and the procedure for confirming plans of reorganization. There are no prerequisites for this course.  
Autumn - Baird, Douglas

### **Behavioral Law and Economics**

LAWS 51702 - 01 (3)

This seminar will explore a set of frontier issues at the intersection of law and human behavior, including people's conduct under risk and uncertainty; the commitment to fairness; social influences and peer pressure; extremism; adaptation; happiness; discrimination; and judicial behavior. Some discussion will be devoted to the uses and limits of paternalism. Grades will be based on class participation and a series of short papers.  
Spring - Masur, Jonathan

### **Big Problems**

LAWS 53377 - 01 (3)

The Big Problems course will use multidisciplinary approaches to try to understand and tackle the most important problems facing our country or the world. The first 8 weeks will be taught by the instructors and outside experts, focusing on problems such as the Zika virus, Syrian migration to Europe, cybersecurity, nuclear waste storage, opioid addiction, sex trafficking, and policing and race relations. Students will work in teams of 2 business and 2 law students to develop feasible policy or private sector solutions to a problem of their choosing and make a presentation in the last 2 weeks. Presentations will be made to instructors, outside experts and fellow students. Final grade will be based on a major paper.

Spring - Weisbach, David; Malani, Anup; Topel, Robert; Murphy, Kevin

### **Brief-writing and Appellate Advocacy Seminar**

LAWS 53268 - 01 (3)

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

Topics will include how to select the best arguments, how to choose a theme and structure the facts and the argument, and how to write the brief in a way that it is clear, concise and persuasive on the first read. Grades will be based on two papers -- an opening brief and a reply.

Winter - Odorizzi, Michele

### **Business Organizations**

LAWS 42301 - 01 (3)

This course examines the law of business organization and of agency. Explores the various forms of business organization, including sole proprietorships, partnerships, corporations, and limited liability companies, with special emphasis on corporations. Underlying themes include the purposes of business organization; formation, maintenance, and dissolution of business entities; the agency problem and fiduciary duties; federalism; the role of law and contract; and business planning.

Autumn - Velasco, Julian

### **Business Organizations**

LAWS 42301 - 01 (3)

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

Winter - Casey, Anthony

### **Business Organizations**

LAWS 42301 - 01 (3)

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

Spring - Fischel, Daniel

### **Business Planning**

LAWS 53194 - 01 (2 TO 3)

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's grade is based on a final examination; students may earn an additional credit by writing a paper on a topic approved by the instructors. The student must have taken (or be taking concurrently) Business Organizations and Corporate Tax I or receive instructor approval.

Winter - Crow, Keith; Sexton, Anthony

### **Business Strategy**

LAWS 43255 - 01 (3)

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

Autumn - Kamenica, Emir

### **Buyouts**

LAWS 53111 - 01 (3)

In this course we will examine possible conflicts of interest in mergers and acquisitions, and especially in going private transactions in which publicly held companies are acquired by controlling shareholders or by entities with the participation or support of the company's management. Both types of transactions may raise conflict of interest issues because some of the company's directors or officers, who are charged with protecting the public shareholders, may be accused of having interests adverse to those of the public shareholders. We will examine the

methods that Delaware law has provided for dealing with these possible conflicts of interest, the consequences of employing these methods, and some of the remedies provided by that law. We will also look at some other issues raised by going private transactions and certain conflict and other issues that can arise in transactions even if they are neither controlling shareholder buyouts nor buyouts involving the company's management. Finally, we will examine the role of the financial advisors and lawyers who are involved in these transactions. Some of the topics in this seminar will also be covered in Mergers and Acquisitions, but that course is not a prerequisite for this seminar and students may take both classes. Grades will be based on a paper and on class participation.  
Spring - Davis, Scott

### **Canonical Ideas in American Legal Thought**

LAWS 57013 - 01 (3, 2, 2)

This year-long research seminar is the equivalent of a research colloquium in a PhD program. During the Autumn quarter, students will read, discuss, and critique some of the most influential law review articles from the twentieth century, as well as newer papers that extend and apply those canonical ideas to modern legal problems. The readings will consist of a healthy mix of public law and private law, and various scholarly methodologies. During the Autumn quarter, students will have short research and writing assignments on the readings. Students will also work with faculty to identify a topic for a substantial research paper. During the Winter quarter, the seminar will not meet in formal sessions, but each student will work on his or her research paper and will meet individually with the instructors to assess the paper's progress. During the Spring quarter, the seminar will reconvene, and students will workshop their drafts (i.e., each student will circulate his or her draft in advance and answer questions from students and faculty). Students will receive an Autumn quarter grade based on their short writing assignments, discussion facilitation, and class participation. Students will receive a separate grade for the Winter and Spring quarters based on the quality of their research papers and class participation. Every student must enroll for the entire year; students may not drop the class after the Autumn quarter. Students may only enroll with the permission of the instructors. Students interested in enrolling should email Professors Hubbard and Stephanopoulos a resume and a one-paragraph statement explaining why they would like to enroll in the seminar no later than August 31, 2017.

Autumn, Winter, Spring - Hubbard, William; Stephanopoulos, Nicholas

### **Capital Markets Transactions**

LAWS 53350 - 01 (2)

This seminar examines selected legal issues and documents in connection with capital raising transactions by companies and investment banks in the U.S., including initial public offerings and offerings of investment grade and high yield

debt securities. The seminar will review the key aspects of offering equity and debt securities, including relevant offering documents and contractual agreements (such as prospectuses, underwriting agreements and indentures), applicable SEC and stock exchange regulation and disclosure issues. Topics will also include the issuance of securities in the context of out-of-court restructuring transactions, as well as related disclosure issues, and alternative means of “going public” in the U.S., including spin-offs. This seminar will include analysis of deal-related issues and case studies. Securities Regulation is a prerequisite. Final grade will be based on: substantial out of classroom work, class participation.

Winter - Huff, Carol Anne

### **Child Exploitation, Human Trafficking & the Supply Chain**

LAWS 53132 - 01 (3)

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

Winter - Kendall, Virginia

### **City Policing**

LAWS 53381 - 01 (2 TO 3)

This seminar will focus on policing and police reform in large American cities, especially Chicago. We will examine the history of the Chicago Police Department and other large city police departments; recent crime levels in Chicago and other

cities; municipal practices regarding hiring, training, unionizing, and deployment of police, including community policing; stop and frisk practices; police shootings and other uses of force; citizen complaints and internal discipline; Fourth Amendment doctrine relevant to policing use of force; and institutional mechanisms of accountability. Students will write a series of reaction memos and carry on a discussion regarding the readings and make a brief presentation about a suggestion for reform in one of the last classes. The grade will be based on the memos, the discussion, and the presentation. Students may qualify for an additional credit hour by writing a substantial paper.

Winter - McAdams, Richard

### **Civil Rights Clinic: Police Accountability**

LAWS 90913 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

The Civil Rights and Police Accountability Project (PAP) is one of the nation's leading law civil rights clinics focusing on issues of criminal justice. Through the lens of live-client work, students examine how and where litigation fits into broader efforts to improve police accountability and ultimately the criminal justice system. Students provide legal services to indigent victims of police abuse in federal and state courts. They litigate civil rights cases at each level of the court system from trial through appeals. Some students also represent children and adults in related juvenile or criminal defense matters. Students take primary responsibility for all aspects of the litigation, including client counseling, fact investigation, case strategy, witness interviews, legal research, pleadings and legal memoranda, discovery, depositions, motion practice, evidentiary hearings, trials, and appeals. A significant amount of legal writing is expected. Students work in teams on cases or projects, and meet with the instructor on at minimum a weekly basis. Students also take primary responsibility for the Clinic's policy and public education work. PAP teaches students to apply and critically examine legal theory in the context of representation of people in need. It teaches students to analyze how and why individual cases of abuse occur and to connect them to systemic problems, often leading to "public impact" litigation and other strategies for policy reform. Through our immersion in live client work, we engage fundamental issues of race, class, and gender, and their intersection with legal institutions. We instruct students in legal ethics and advocacy skills. And we seek to instill in them a public service ethos, as they begin their legal careers. Students are required to complete, prior to their third year, Evidence, Criminal Procedure I, and the Intensive Trial Practice Workshop. Constitutional Law III is also recommended.

Autumn, Winter, Spring - Futterman, Craig

### **Civil Rights Practicum**

LAWS 53388 - 01 (1, 1, 1)

In this practicum, students will engage in a range of research and analysis under the supervision of Prof. Huq, in relation to a number of active civil rights cases or

other matters. Initial projects will include work on hate-crimes regulation. The aim is to cultivate experience in litigation and advocacy-related tasks in a real world setting, albeit without the structured format of a clinic.

Autumn, Winter, Spring - Huq, Aziz

### **Communications and Advocacy for Lawyers**

LAWS 53398 - 01 (2)

No skill is more important for a lawyer than communication, and this is especially true when lawyers are engaged in public advocacy. Students in this hands-on seminar will develop skills in writing and presentation geared toward advocacy. Students will take on the role of a spokesperson for an organization (non-profit, business, or law firm) and learn to advocate for that organization through writing op-eds, press releases, blog posts, and communications plans; preparing and delivering presentations and slide decks; and engaging through press conferences, media interviews, and crisis communications. Topics covered will include creating and adjusting communications based on audience and medium; writing persuasively, especially for non-legal audiences; communications plan development, media training, and public speaking with and without preparation. Students will be expected to speak regularly before the class and outsiders, write on a weekly basis, and edit each other's work. Students will be graded on quality of work product, participation in class, and improvement over the class time.

Winter - Nagorsky, Marsha

### **Comparative Legal Institutions**

LAWS 43201 - 01 (3)

This course is designed to examine a range of legal institutions from a comparative and interdisciplinary perspective. It is not a traditional course in comparative law, in that it focuses not so much on particular rules of substantive law but on the structure of different legal systems and the consequences of those structural differences for law and society. In particular, we will focus on the economic impact of legal traditions. Readings will be drawn from legal and social science literature, including works from anthropology, economics, political science and sociology. The course will explicitly cover non-Western legal traditions to an extent not found in conventional comparative law courses. Furthermore, American institutions are explicitly included in the comparison: this is not simply a course in foreign law. Assessment is by a three-hour take-home exam. There is an option to write a research paper sufficient to fulfill the substantial writing requirement; second-year and third-year students can exercise this option freely but only a limited number of first-year students may avail themselves of it.

Spring - Ginsburg, Thomas

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

LAWS 53314 - 01 (3)

This seminar will examine how events during the financial crisis shaped the debate about global systemically important financial institutions and whether they are "too big to fail"; how current and proposed regulations in the US and EU have sought to address these issues; and what the implications are from the current debate over "repeal" of the Dodd-Frank Act. Final grade will be based on: a series of short research papers and class participation.

Spring - Zubrow, Barry

**Compliance and Regulatory Strategy**

LAWS 53317 - 01 (2)

Since the financial crisis of 2008, regulators and prosecutors around the world increasingly expect companies to have state of the art governance, risk and compliance programs as a condition for remaining in business and for avoiding liabilities for regulatory missteps. Increasingly, regulatory rules are becoming more complex and authorities are becoming more unforgiving, with stepped up efforts to secure criminal and civil penalties against companies, their executives, lawyers and auditors. For companies, such liability can at best result in plummeting share prices, and at worst the shutting down of an enterprise. For individuals, they can result in incarceration, fines, penalties and removal from the business. While many of the principles apply to all industries, the seminar will explore the regulatory and legal foundations for these programs primarily through the lens of the financial services sector, which includes banks, brokerage firms, investment companies and investment advisers. We will also explore how the design and execution of these programs can avoid or limit potential liabilities from regulatory and criminal authorities. From the perspective of a corporate executive, board member or counsel, students will develop the ability to understand the fundamentals of regulatory regimes overseeing these businesses, as well as strategies for successfully engaging the regulators. Students will consider the steps a firm should take to mitigate regulatory and reputation risk, including the importance of an effective corporate ethics program, as well as how, in the process, a firm can enhance its brand, meet the expectations of its board of directors and create value for its shareholders. The grade is based on a series of short reaction papers, attendance and class participation. While courses which contain elements of securities or financial services regulation would be helpful, they are not required. However, the course should be limited to students who have completed their first year, whether in the Law School, the Booth School of Business or other graduate level programs at the university.

Spring - Senatore, Charles

**Constitutional Decisionmaking**

LAWS 50202 - 01 (3)

Students enrolled in the seminar will work as "courts" consisting of five "Justices" each. During each of the first eight weeks of the quarter, each court will be assigned two hypothetical cases raising issues under the Equal Protection Clause of the Fourteenth Amendment. All cases must be decided with opinion (concurring and dissenting opinions are permitted). The decisions may be premised on the "legislative history" of the Equal Protection Clause (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. Enrollment will be limited to three courts. Since the members of each court must work together closely under rigid time constraints, students must sign up as five-person courts. This seminar will not have regularly-scheduled classes (except for introductory and concluding meetings), but you should not underestimate the time demands. It is a very demanding seminar. If more than three courts sign up, I will select the participating courts by lot. To be eligible for participation in the seminar, students should send me an e-mail (gstone@uchicago.edu) by Monday, February 12, including the names and e-mail addresses of all five "Justices." This seminar will not have regularly-scheduled classes (except for an introductory meeting), but you should not underestimate the time demands. It is a very demanding seminar. If more than three courts sign up, I will select the participating courts by lot and I will email you by Monday, February 19, to let you know whether your court has been selected.

Spring - Stone, Geoffrey

**Constitutional Law for LL.M. Students**

LAWS 70801 - 01 (3)

This course is designed to introduce LL.M. students to U.S. constitutional law. Topics to be covered include the theory, development and practice of judicial review, the power of, and limitations on, judicial power, the allocation of powers among the legislative, executive, and judicial branches, judicial involvement in economic policy, and the role of the Supreme Court in adjudicating disputes between the states and the federal government. In addition, the course will cover key doctrines in the areas of equal protection and substantive due process.

Autumn - Rosenberg, Gerald

**Constitutional Law I: Governmental Structure**

LAWS 40101 - 01 (3)

This course provides an introduction to U. S constitutional law. Topics to be covered include judicial review; the role of the states and the federal government in

the federal system; and the allocation of powers among the legislative, executive, and judicial branches. We will consider questions about the nature of constitutional law and constitutional interpretation throughout.

Winter - Strauss, David

### **Constitutional Law I: Governmental Structure**

LAWS 40101 - 01 (3)

This course provides an introduction to the United States Constitution. Topics to be covered include constitutional interpretation; the function of judicial review; the role of the states and the federal government in the federal structure; and the allocation of powers among the legislative, executive, and judicial branches. The student's grade is based on a final in-class examination.

Spring - LaCroix, Alison

### **Constitutional Law II: Freedom of Speech**

LAWS 40201 - 01 (3)

This course explores the doctrine and theory of the constitutional law of freedom of speech. The subjects for discussion include advocacy of unlawful conduct, defamation, invasion of privacy, commercial speech, obscenity and pornography, offensive speech, symbolic expression, protest in public places, regulation of campaign finance, and selective government subsidies of speech. Students who have completed Constitutional Law IV are ineligible to enroll in this course.

Autumn - Weinrib, Laura

### **Constitutional Law II: Freedom of Speech**

LAWS 40201 - 01 (3)

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

Winter - Strauss, David

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

LAWS 40301 - 01 (3)

This course considers the history, theory, and contemporary law of the post-Civil War Amendments to the Constitution, particularly the Equal Protection and Due Process Clauses of the Fourteenth Amendment. The central subjects are the constitutional law governing discrimination on the basis of race, gender, and other characteristics, and the recognition of individual rights not explicitly enumerated in the Constitution. Throughout, students consider certain foundational questions,

including the role of courts in a democracy and the question of how the Constitution should be interpreted.

Autumn - Stephanopoulos, Nicholas

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

LAWS 40301 - 01 (3)

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

Spring - Driver, Justin

### **Constitutional Law V: Freedom of Religion**

LAWS 40501 - 01 (3)

This course explores religious freedom in America, especially under the first amendment. It is recommended that students first take Constitutional Law I. Students who have completed Constitutional Law IV are ineligible to enroll in this course. The grade is based on a substantial paper, series of short papers, or final examination, with class participation taken into account. Paper writers require permission of the instructor; ADDITIONAL explicit instructor consent required for paper to be considered for SRP certification. Prerequisite: Constitutional Law I

Spring - Case, Mary Anne

### **Constitutional Law VI: U.S. Constitutional Rights in Comparative Perspective**

LAWS 43279 - 01 (3)

The course explores U.S. constitutional law's position regarding the complex burning dilemmas of the twenty first century. These include the death penalty, hate speech, terrorist kidnapping, immigration, secession and nullification, political boycott, the right to bear arms, torture, targeted killings, election integrity and the rights to vote and be elected, the right to marry, freedom of the press, equal protection and affirmative action, abortion, and religious free exercise (especially as it arises in the context of religious sacraments and religious dress). We will examine these issues theoretically and comparatively using Canada, Germany, India, Israel, South Africa and the United Kingdom as case studies. We will reveal fascinating dialogues within countries and between countries on these issues. Assessment for the course will be based on a combination of class participation (10%) and a take-home final examination (90%).

Autumn - Weill, Rivka

**Constitutional Law VII: Parent, Child, and State**

LAWS 47101 - 01 (3)

This course considers the role that constitutional law plays in shaping children's development. Among the topics discussed are children's and parent's rights of expression and religious exercise; parental identity rights including rights associated with paternity claims, termination proceedings, assisted reproduction, and adoption; the scope of the state's authority to intervene to protect children, to regulate their conduct, or to influence their upbringing; and the role of race and culture in defining the family.

Spring - Buss, Emily

**Contract Drafting and Review**

LAWS 53271 - 01 (3)

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

Autumn, Winter, Spring - Neal, Joan

**Contract Governance**

LAWS 53373 - 01 (2 TO 3)

This course explores contract governance--that is the wide variety of means, some legal and some extralegal, that transactors use to not only prevent opportunism and shirking, but also to increase the likelihood and quality of contractual performance. While basic contracts focused on formation and breach, this seminar focuses on the phase before formation (namely choosing and qualifying a contracting partner) and, even more importantly, on the performance stage. Students will read a mixture of company information, contracts, and readings drawn from the business strategy literature and the legal literature. Students will regularly engage in interactive exercises during class to develop their skills and deepen their understanding of the readings and themes of the seminar. Short weekly comments and one five page paper drafting and discussing a contract will be required.

Winter - Bernstein, Lisa

### **Contract Law for LL.M. Students**

LAWS 70850 - 01 (3)

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

### **Copyright**

LAWS 45801 - 01 (3)

This course explores the major areas of copyright law, with special emphasis on how law has responded to new technologies and political pressures. Topics include copyright duration, subject matter, and ownership; the rights and limitations of copyright holders, including the fair use doctrine; remedies for copyright infringement; and federal preemption of state law. The student's grade is based on a final examination.

Winter - Levmore, Saul

### **Corporate and Entrepreneurial Finance**

LAWS 42603 - 01 (3)

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

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

#### **COURSE PROCEDURES**

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

Each group will submit a two-page memorandum of analysis and recommendations at the beginning of each case discussion. If you are working in a group, I will accept one memorandum from the group and count it for all students in the group. If you choose to do this, the group can include up to 3 students. Each memorandum should be typed and double-spaced. Write these as if you were

writing a recommendation to the CEO or major decision maker in the case. The two page limit is for text only. You may attach as many numerical calculations as you wish. Memoranda will not be accepted after the class has met. A memorandum will be given credit if it is handed in and no credit if it is not. Initially, therefore, I will not grade them. However, I will use the memoranda to determine final grades for those students who are on the border of two grades.

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

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

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

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

#### GRADING

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

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

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

While there is no formal prerequisite course students should have an understanding of financial statements. I.e., students should be able to read an income statement, cash flow statement and balance sheet.

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

Spring - Kaplan, Steven

**Corporate Criminal Prosecutions and Investigations**

LAWS 53201 - 01 (3)

The criminal investigation and prosecution of large-scale corporate fraud and corruption are among the hottest areas of focus for prosecutors and the criminal defense bar. This seminar is designed for students interested in learning about the various aspects of uncovering, investigating, defending, prosecuting, and resolving corporate criminal matters, including those arising under the Foreign Corrupt Practices Act. The seminar will address legal and practical issues and concerns from the perspective of the prosecutor, the defense attorney, and in-house counsel. Among other topics, students will learn about: (i) foundational principles of corporate criminal liability; (ii) the whistleblower frameworks under the Dodd-Frank Act and Sarbanes-Oxley Act; (iii) conducting internal investigations as well as government investigative techniques and tools; (iv) strategic considerations for the prosecutor and defense lawyer in white collar criminal investigations; (v) prosecutorial and SEC charging policies, including creating incentives to encourage voluntary disclosure and cooperation; (vi) pre-trial diversion, including deferred and non-prosecution agreements; (vii) compliance monitors and the monitorship process; (viii) the Foreign Corrupt Practices Act; and (ix) proposals for corporate criminal reform. The seminar will introduce students to this multi-faceted area of the law, and expose students to real-world considerations involved in advising corporate clients and their officers, directors, and employees. This is a three-credit class. The student's grade will be based on a major paper (20-25 pages) and class participation. Papers are eligible to satisfy the writing project %% requirement and will be due four weeks after final exams for the Winter quarter.

Winter - Boutros, Andrew

**Corporate Finance**

LAWS 42501 - 01 (3)

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

Winter - Dharmapala, Dhammika

**Corporate Governance**

LAWS 53237 - 01 (2 TO 3)

Through the production of goods and services, innovation, employment and occasional misbehavior, publicly-held corporations in the U.S. exert an enormous impact on the lives of individuals and the economy in general. How (and how well) corporations are governed greatly influences what that impact will be. Since the early 1990s, there has been a significant increase in the attention given to

corporate governance by investors, lawyers, academicians, politicians and the press. This seminar will provide students with a deep understanding of applicable legal, regulatory and market influences on corporate governance, an appreciation for the historical development of the current system of governance and insights into current "hot" issues and the continuing evolution of governance. We will discuss critical issues such as for whose benefit is a corporation to be governed and what is the proper balance of decision-making authority between owners and managers. There will be a heavy emphasis on the role of counsel to the enterprise as a whole and on the practical aspects of advising officers and directors, including the coordination of multi-disciplinary teams. Corporations and securities law courses provide highly desirable background, but are not prerequisites. Grades will be based upon: a final take-home exam (2 credits), or a final take-home exam plus a 10-12 page research paper (3 credits), or a full-length paper (3 credits). In all instances, class participation will also be taken into account. Enrollment will be limited to 25 students; MBA students from Booth will be welcome.

Autumn - Cole, Thomas

### **Corporate Governance in Emerging Markets**

LAWS 53240 - 01 (3)

This seminar provides an overview of recent developments and scholarship relating to corporate governance, primarily from a "law and finance" perspective. It particularly emphasizes the context of developing and transitional economies and other jurisdictions without a long tradition of strong corporate and securities law and enforcement. Topics to be covered include: 1) The emerging markets context, the distinctive legal and governance issues raised by firms with controlling shareholders, and the legal and institutional preconditions for stock market development; 2) Legal and economic aspects of tunneling and other forms of self-dealing among firms with controlling shareholders; 3) The debate on the impact of historical legal origins on stock market development; 4) The evidence on the impact of corporate and securities law reforms on firm value and stock market development, introduced through country-level studies of major recent reforms in Korea, India and Russia; 5) The distinctive context of corporate governance in China, including issues raised by the role of governmental entities as controlling shareholders; 6) Regulatory dualism, as exemplified by Brazil's Novo Mercado, and the regulation of hostile takeovers in emerging markets; 7) The causes and implications of the phenomenon of international cross-listing; 8) The role of public and private enforcement of securities law in stock market development. While some background in areas such as corporate and securities law would be helpful, there is no formal prerequisite for the seminar. Some readings from the "law and finance" literature will be interdisciplinary in approach, and some undertake statistical analysis. However, no background in finance or statistics will be

assumed. Rather, the emphasis will be on understanding the implications of the readings for law and policy. Final grade will be based on a major paper.

Spring - Dharmapala, Dhammika

### **Corporate Tax I**

LAWS 43242 - 01 (3)

This course examines income tax aspects of the formations, distributions, and liquidations of corporations. The focus is on transactional and planning aspects of the corporate tax. Prerequisite: Introductory Income Taxation required except with permission of the instructor. The student's grade is based on class participation and a final examination.

Winter - Weisbach, David

### **Corporate Tax II**

LAWS 43243 - 01 (3)

This course surveys the taxation of reorganizations and other adjustments involving continuing businesses: mergers, asset and stock acquisitions and other similar shifts of ownership and control; recapitalizations; and divisions. Points of focus are the recognition of gain and loss and the survival and allocation of tax attributes (basis, earnings, and loss carryovers) in these transactions. Prerequisites: Taxation of Corporations I or Corporate Tax I. Students' grades based on a final proctored examination or a full-length paper.

Spring - Weisbach, David

### **Corporate Theory**

LAWS 53245 - 01 (2)

This course explores why American corporation law has its particular structure. In the course, we will seek to understand how the separation of ownership and control creates agency costs, and the ways in which corporate law attempts to remedy them, including disclosure, fiduciary duties, voting, and hostile takeovers. In addition to exploring the economic theory underpinning corporate law, we will consider the political context in which corporate governance operates. We will read and discuss current debates about the agency cost framework, the proper balance of decision-making authority between shareholders and managers, and the merits of legal rules. Some background in business law will be helpful, but is not a requirement. Students will be evaluated based on class participation and a series of reaction papers (two credits).

Spring - Shapiro, Dorothy

### **Criminal and Juvenile Justice Project Clinic**

LAWS 90217 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

The Project provides law and social work students the supervised opportunity to represent children and young adults accused of crime in juvenile and criminal

court. Representation includes addressing the social, psychological and educational needs of our clients and their families. In addition to direct representation, students are involved in policy reform and public education including work with coalitions on issues of juvenile life without parole, youth violence, mass incarceration, and the collateral consequences of conviction. Students will participate in case selection and litigation strategies. Students will be expected to do legal research and writing including drafting motions and memoranda on various legal issues, i.e. evidentiary questions, sentencing, etc. and brief writing. Additionally, students will do pre-trial investigation and fact development including interviewing clients and witnesses. 3L students who have taken a trial practice course will have the opportunity to argue motions and second chair hearings and trials. Policy work will include general research on issues, drafting statement and position papers and attendance at meetings. Corequisite: Evidence must be taken at some point that the student is in the clinic.

Autumn, Winter, Spring - Conyers, Herschella; Stone, Randolph

### **Criminal Procedure I: The Investigative Process**

LAWS 47201 - 01 (3)

This course focuses on the law regulating the investigatory process, including searches, seizures, and confessions. The grade is based on a final examination.

Winter - Rappaport, John

### **Criminal Procedure I: The Investigative Process**

LAWS 47201 - 01 (3)

The course focuses on the constitutional law regulating searches, seizures, and confessions. It considers both physical searches and seizures and also searches and seizures of electronic data. Grades are based on a final examination and class participation.

Spring - Huq, Aziz

### **Criminal Procedure II: From Bail to Jail**

LAWS 47301 - 01 (3)

Criminal Procedure II surveys the criminal process after a case comes into court, from the formal filing of charges through the pretrial process, the trial, and beyond. Criminal Procedure I is NOT a prerequisite, and no knowledge of Criminal Procedure I is needed for this course. While Criminal Procedure I examines the procedural rules that govern police investigations, this course examines the procedural rules that govern at the next chronological stage, as the case moves from the arrest through the court process. Topics include: pretrial release and detention, the preliminary hearing, the grand jury, the charging instrument, joinder and severance, discovery, selected trial issues (including confrontation rights), plea bargaining and negotiation, and sentencing. We also examine prosecutorial discretion, as well as ethical issues surrounding the representation of criminal

defendants. Various guest speakers typically visit class, including federal district court judges, an Assistant United States Attorney, and a criminal defense lawyer. The final grade is based on an eight-hour take-home examination.

Spring - Siegler, Alison

### **Critical Legal Studies vs. Law and Economics**

LAWS 51704 - 01 (2)

This seminar will explore two kindred (!) schools of legal thought: critical legal studies (including critical race theory and critical legal studies scholarship on gender and status) and law and economics. We will read canonical and representative works from both schools, with special attention to their critiques of each other. We will attempt to identify the ways in which these critiques have influenced, or should influence, current research and teaching in law. Grades will be based on class participation and a series of short papers.

Spring - Hubbard, William

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

LAWS 53229 - 01 (1)

This seminar is a survey of cross-border transactions and how successfully negotiating a transaction may vary across borders. We will first examine M&A, securities and financing transactions to gain comparative oversight. After covering this foundational overview, we will turn to Europe to gain an understanding of how various governance rules and local laws can impact transactions and procedures. Next, we will devote some time to Asian markets to show how recent changes in local law have expanded the opportunities for cross-border transactions, particularly for global supply chain transactions, and the implications of such changes on the legal profession. The course will cover a hands-on simulated negotiation. The course will also discuss the increasingly important issue of bribery, focusing primarily on the Foreign Corrupt Practices Act and the UK Bribery Act. We will then put all this together to discuss multi-jurisdictional transactions and how to best negotiate cross-border legal, procedural and cultural differences. Final grade will be based on: Substantial out of classroom work, class participation.

Autumn - Sultani, Tarek

### **Current Issues in Criminal and National Security Law**

LAWS 53221 - 01 (3)

This seminar covers a series of current issues in criminal and national security law, often comparing and contrasting the two approaches, with a particular focus on challenges arising from acts of terrorism and other national security prosecutions (including a focus on substantive terrorism offenses, espionage offenses as well as the leaking of classified information), a discussion of criminal and intelligence investigative tools (comparing Title III electronic surveillance with Foreign

Intelligence Surveillance Act ), application of constitutional principles to terrorism investigations and prosecutions (particularly the First, Fourth, Fifth and Sixth Amendments and the application of Miranda, Quarles and Corley decisions and certain state bar rules in that context), the President's war powers and congressional oversight (including discussions of drone strikes, law of war detention, and Presidential and Congressional authority to use military force), and in other select areas, including the Classified Information Procedures Act, and economic sanctions, and national security leaks. Each class will focus on a different topic, with advance reading assigned around each topic, and grading on the basis of two short reflection papers (3-5 pages each) and a final paper preferably written in the form of a U.S. Supreme Court opinion (20-25 pages, including a majority and dissent) on a select issue in criminal and national security law. Guest speakers will help facilitate discussion on certain topics. Pre-requisites: Criminal Law Winter - Fitzgerald, Patrick; Scudder, Michael

### **Divorce Practice and Procedure**

LAWS 53397 - 01 (2)

This is a simulation class providing exposure to the dynamic process of representing clients in dissolutions of marriage and issues related to them. The class will make you aware of the complexities arising whenever the ever changing family unit becomes divided. Topics are covered through an evolving case with you as a practicing lawyer. Issues include interstate and international parental kidnapping, determination of jurisdiction, domestic violence, restraining orders and injunctions, temporary and permanent parenting rights and responsibilities (custody and visitation), temporary and permanent maintenance (alimony), child support, the characterization of property and division of assets and liabilities, premarital and postmarital agreements, ethical issues, federal tax law affecting divorce and the effects of bankruptcy. The class will also discuss same-sex marriage, civil unions and issues unique to LGBTQ relationships. Students will have the opportunity to discuss and argue issues not only with instructors, but also with sitting Illinois Domestic Relations Court Judges, who will interact with the class. Readings will be drawn from case law, statutes, and Court approved forms used in contested proceedings. Two-thirds of a student's grade is based on preparation for and class participation, and one-third on an open book final exam comprised of essay questions.

Autumn - Schiller, Donald; Walsh, Erika

### **Drafting Contracts: The Problem of Ambiguity**

LAWS 53269 - 01 (2)

This seminar is unique. It is a very interesting, very intellectual, and very practical learning experience. The main features are: 1. Students will learn some extremely useful tools for analyzing and drafting contracts. They will acquire them by an inductive process of reviewing many examples of ambiguity from case law,

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

Winter - Torbert, Preston

### **Election Law**

LAWS 43260 - 01 (3)

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

Spring - Stephanopoulos, Nicholas

### **Elements of Business Law**

LAWS 42300 - 01 (3)

About half of all law students will become transactional lawyers of various kinds, but almost the entire first-year curriculum is focused on litigation. This course seeks to fill the gap by introducing key principles of transactional law and practice. It is a business-law companion to the "Elements of Law" course. The goals are: (1) to introduce certain foundational concepts and tools that will be useful for upper-level business-law courses; (2) to expose students thinking of summer jobs to what it is like to be a transactional lawyer; and (3) to provide an overview of business-law

issues to students who do not plan on a transactional career. We will examine several specific transactions in detail, covering the background law and concepts, the transaction itself, and a discussion about the issues surrounding it. Some of these will be transactions where the lawyer's job is to expand the pie, and others will be where the job is to divide the pie. In all cases, we will discuss the role of the lawyer, tools of analysis (e.g., valuation, accounting, statutory and rule interpretation, etc.), and ethical issues that may arise. No business experience, economics training, or particular interest in business is required. Grades will be based on a mix of reaction papers, journal entries, exercises, and an essay.

Spring - Henderson, M. Todd

### **Emotion, Reason, and Law**

LAWS 43273 - 01 (3)

Emotions figure in many areas of the law, and many legal doctrines (from reasonable provocation in homicide to mercy in criminal sentencing) invite us to think about emotions and their relationship to reason. In addition, some prominent theories of the limits of law make reference to emotions: thus Lord Devlin and, more recently, Leon Kass have argued that the disgust of the average member of society is a sufficient reason for rendering a practice illegal, even though it does no harm to others. Emotions, however, are all too rarely studied closely, with the result that both theory and doctrine are often confused. The first part of this course will study major theories of emotion, asking about the relationship between emotion and cognition, focusing on philosophical accounts, but also learning from anthropology and psychology. We will ask how far emotions embody cognitions, and of what type, and then we will ask whether there is reason to consider some or all emotions "irrational" in a normative sense. We then turn to the criminal law, asking how specific emotions figure in doctrine and theory: anger, fear, compassion, disgust, guilt, and shame. Legal areas considered will include self-defense, reasonable provocation, mercy, victim impact statements, sodomy laws, sexual harassment, shame-based punishments. Next, we turn to the role played by emotions in constitutional law and in thought about just institutions – a topic that seems initially unpromising, but one that will turn out to be full of interest. Other topics will be included as time permits.

Spring - Nussbaum, Martha

### **Employee Benefits Law**

LAWS 55503 - 01 (3)

This seminar will provide an introduction to the Employee Retirement Income Security Act (ERISA) and other federal statutes regulating employee benefit plans in the private sector. The course will cover many types of plans, including defined benefit pension plans, individual account retirement plans (such as 401(k) plans), medical plans, other welfare benefit plans and executive compensation programs. It will provide a basic understanding of fiduciary standards governing plan

administration and the investment of plan assets; minimum standards for benefits and funding; benefit claim dispute resolution procedures and standards of judicial review; federal preemption of state laws; and key issues which arise in ERISA litigation. The course is intended for students interested in a broader labor and employment practice; a mergers and acquisitions or general corporate practice; or a civil litigation practice. Although our primary mission will be to prepare students for the practice of law, we also will explore whether the law governing employee benefit plans is operating effectively and in accordance with its stated purposes. Students will be graded on class participation and on a series of short reaction and research papers. There are no prerequisites required for this seminar.

Autumn - Wolf, Charles

### **Employment Discrimination Law**

LAWS 43401 - 01 (3)

This course deals with the problem of discrimination in the American workplace and the federal and state statutes that have been enacted to prohibit it. Primary focus will be on the major federal equal employment opportunity statutes (Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act), the types of claims that are brought under these laws (disparate treatment, disparate impact, mixed motives, and retaliation claims), and the varying burdens of proof/persuasion, procedural prerequisites, and remedies provided by these statutes, along with current proposals for legislative change. Enrollment will be limited to 20 students. The student's grade will be based on class participation and a final examination.

Autumn - Whitehead, James

### **Employment Law Clinic**

LAWS 90216 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

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

to their third year, either the Intensive Trial Practice Workshop or some other trial practice course. The student's grade is based on class participation. Academic credit varies and will be awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical faculty. Evidence is a prerequisite for 3L's in the clinic. The Intensive Trial Practice Workshop (or an equivalent trial practice course) is recommended for 3L's in the clinic.

Autumn, Winter, Spring - Schmidt, Randall

### **Energy Law and Policy**

LAWS 43282 - 01 (3)

Energy markets and regulation have undergone significant changes in the past 20 years in the United States in attempts to improve reliability, to reduce costs, and to address environmental impacts, while meeting increased demand. Focusing primarily on electric power, this course will introduce students to energy economics and the principles and administration of public utility regulation. The class will trace the historical development of the regulated electric industry, review traditional sources of energy used to generate electricity (water, coal, and natural gas), and examine the current structure of the electric industry and emerging issues, including wholesale and retail competition, environmental effects (including climate change), renewable energy, conservation and efficiency.

Spring - Templeton, Mark

### **Entrepreneurship and the Law**

LAWS 53192 - 01 (3)

This seminar examines how the law and legal counsel influence innovation and entrepreneurship in the US, particularly by micro-enterprises. The seminar explores the position of the entrepreneur in society, in the economy, and in our constitutional framework, in order to analyze the entrepreneur's fundamental legal needs. We survey legal questions particular to start-ups, including strategies for structuring a business organization, financing, and protecting intellectual property. Assignments require students to research issues that apply to hypothetical and real start-ups and practice lawyerly skills like strategic planning, negotiation, drafting, and counseling. This seminar is required for participation in the Institute for Justice Clinic on Entrepreneurship, unless students make other arrangements with the Clinic instructors. Students' grades will be based on active participation and several research and writing assignments.

Autumn - Churi, Salen; Kregor, Elizabeth; Hermalik, Amy

### **Environmental Law**

LAWS 46001 - 01 (3)

This course surveys the legal landscape of environmental protection in the United States. It focuses cases interpreting the major federal environmental statutes,

including the National Environmental Policy Act, Endangered Species Act, Clean Water Act, and Clean Air Act. The course also incorporates economic, scientific, and ethical considerations, with an emphasis on how conflicts are resolved among competing stakeholders within shared policy space.

Autumn - Bradshaw, Karen

### **Ethical Quandaries in Legal Practice**

LAWS 53103 - 01 (3)

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

Spring - Fairley, Sharon

### **European Legal History**

LAWS 53292 - 01 (2 TO 3)

This seminar aims to give students an appreciation of the basic themes and most important events in European (as opposed to English) legal history. It begins with the Roman law formulated under the Emperor Justinian and moves forward to the 19th century. Among the subjects covered are Germanic law, the rise of legal science beginning in the 12th century, the nature of the *ius commune*, legal humanism, the reception of Roman law, the natural law school, and the movement towards Codification. In addition to the text book, students are expected to read one law review article each week and to share it with the class. They are permitted to write a research paper, but a final examination will also be offered as an option.

Winter - Helmholz, Richard

### **Evidence**

LAWS 41601 - 01 (3)

An examination of the federal rules governing proof at trial. On many points, the rules of most states are the same or similar (New York and California have the most differences, though even they have significant overlap with the Federal Rules). There will be somewhat more lecture than in a typical course, in order to facilitate coverage of material. Even so, certain relatively minor or easy topics will not be covered (Burdens of Proof, Presumptions, Judicial Notice), and others will be

covered only briefly (e.g., Privileges, Impeachment of Witnesses). Approximately two-thirds of the term will be devoted to the two central topics in the law of evidence: relevance and hearsay (including the hearsay exceptions).

Winter, Spring - Leiter, Brian

### **Evolution of Legal Doctrines**

LAWS 65302 - 01 (3)

Legal doctrines have life cycles. They are born and mature. Many doctrines fade and die. There is a form of natural selection among doctrines, with several candidates offering to serve the same function in different ways. This seminar looks at the maturation and replacement of doctrines, posing the question why some die and others survive. Scope is eclectic: the doctrines range from "separate but equal" under the equal protection clause to the "original package doctrine" under the commerce clause, from the appointment of counsel under the Sixth Amendment to the understanding of the Rules of Decision Act (that is, why Swift gave way to Erie). The premise of the seminar is that those who fail to learn from the past are condemned to repeat it. Final grade will be based on: a series of short research papers and class participation.

Autumn - Easterbrook, Frank

### **Exoneration Project Clinic**

LAWS 90220 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

The Exoneration Project is a post-conviction clinical project that represents people convicted of crimes of which they are innocent. Students working in our project assist in every aspect of representation including selecting cases, advising clients, investigating and developing evidence, drafting pleadings, making oral arguments, examining witnesses at evidentiary hearings, and working on all aspects of appellate litigation. Through participation in our project, students explore issues of error and inequality in the criminal justice system, including police and prosecutorial misconduct, the use of faulty scientific evidence, coerced confessions, unreliable eyewitness testimony, and ineffective assistance of counsel. The Exoneration Project is an intensive, rigorous experience designed for students who are committed to providing the best possible representation to deserving clients. Second-year students wishing to enroll in the Project are encouraged to take Evidence in their second year. Third-year students are required to complete, prior to their third year, Evidence and the Intensive Trial Practice Workshop. Students are also strongly encouraged but not required to take Criminal Procedure I, and Criminal Procedure II. Students selected for this project will receive credit for the work they do in accordance with the credit rules for all other clinical programs.

Autumn, Winter, Spring - Thompson, Tara; Owens, David; Tepfer, Joshua; Ainsworth, Russell

**Fair Housing**

LAWS 53334 - 01 (2)

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

**Family Law**

LAWS 45001 - 01 (3)

This course will examine the state's role in recognizing and regulating personal relationships between adults and between adults and children. Throughout the quarter we will explore assumptions about family that underlie existing legal regulation, including assumptions embodied in constitutional law. **ADDITIONAL explicit instructor consent required for paper to be considered for SRP certification.**  
Winter - Case, Mary Anne

**Federal Courts**

LAWS 41101 - 01 (3)

This course covers the role of the federal courts in the federal system. Topics will include the jurisdiction of the federal courts, Congress's power over those courts, litigation against federal and state governments and their officials, and the relationships between federal and state courts. There are no prerequisites. The student's grade is based on class participation and a final take-home examination.  
Autumn - Mortara, Adam

**Federal Courts**

LAWS 41101 - 01 (3)

This course will consider the functioning of the federal courts in our larger federal system. Particular attention will be paid to doctrinal questions pertinent to those intending to litigate in federal court or serve as federal law clerks. It is recommended that students take Constitutional Law I before taking this class. The student's grade is based on a proctored final examination.  
Spring - Huq, Aziz

### **Federal Criminal Justice Clinic**

LAWS 90221 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

The Federal Criminal Justice Clinic zealously represents indigent defendants charged with federal crimes and gives students a unique opportunity to practice in federal court. The FCJC is the first legal clinic in the country to exclusively represent indigent clients charged with federal felonies. We enter our federal district court cases at the time of arrest, take them to trial or guilty plea and sentencing, and then carry them through appeal and beyond. As part of our broader mission to promote fairness in the criminal justice system, we also take Seventh Circuit appeals and write amicus briefs and petitions for certiorari to the U.S. Supreme Court. FCJC students may have an opportunity to interview clients and witnesses; meet with clients at the jail and out on bond; conduct and participate in bond hearings, preliminary hearings, arraignments, evidentiary hearings, plea hearings, sentencing hearings, and trials; research, write, and argue motions and briefs; negotiate with prosecutors; and participate in case investigations. Students involved in appellate litigation write briefs to the Seventh Circuit and the Supreme Court and may conduct oral argument in the Seventh Circuit. The seminar component includes skills exercises, simulations, lectures, case rounds, and discussions. The pre-requisites/co-requisites are Evidence and Criminal Procedure I; these courses may be taken at any time during 2L or 3L year. It is strongly recommended that students interested in joining the FCJC take Prof. Siegler's Criminal Procedure II course in Spring 2018 and take the Intensive Trial Practice Workshop at the beginning of 3L year (or another trial advocacy course). The FCJC is a year-long clinic and is typically only open to 3Ls. Any slots that remain after bidding closes will be opened to 2Ls. Students who want to learn more about the FCJC may contact Professor Siegler or Professor Zunkel for more information.

Autumn, Winter, Spring - Siegler, Alison; Zunkel, Erica; Miller, Judith

### **Federal Criminal Practice**

LAWS 81005 - 01 (3)

Federal Criminal Practice aims to expand students' knowledge of the scope and application of federal criminal law, and will challenge students to think and act as practicing prosecutors and defense attorneys. The course is taught by a lawyer at Winston & Strawn LLP who focus her practice on criminal law, including representation of individuals and companies in criminal matters and referrals to law enforcement agencies, and a lawyer who works in the Criminal Division of the Department of Justice. Among other things, the course seeks to prepare students to bridge the gap between law school and actual practice of federal criminal law. The course seeks to combine substantive content with practical considerations to help students start to think like a practitioner. The course includes lecture and discussion about significant topics in federal criminal law; guest speakers with prosecutorial, judicial, and private practice experience who will describe the

application and implications of these topics; and practical exercises that will provide students with the opportunity to enhance their advocacy abilities both orally and in writing. The course will review four major areas of federal criminal law: (1) the role and scope of the federal criminal system; (2) federal narcotics prosecutions; (3) federal public corruption prosecutions including use of the mail fraud and honest services statutes; and (4) federal racketeering laws. Students will gain a working knowledge of relevant case law on these topics, and will also review and apply real cases prosecuted in federal courts in the Northern District of Illinois. Students will also hear from guest speakers on topics 2-4, who will also provide information about more general challenges and issues that they have observed or experienced in their own practices and will provide tips regarding the upcoming practical exercises, discussed below. To cover a spectrum of experiences, the speakers will be (1) a federal judge in the Northern District of Illinois who also served as an Assistant United States Attorney for many years; (2) a current Assistant United States Attorney who is early in his prosecutorial career; and (3) a former Assistant United States Attorney who now focuses his practice on criminal defense work at a law firm. This course is unique in that it will incorporate a practical component, namely: writing and arguing a motion to suppress evidence and a sentencing position; conducting an opening statement; and presenting a short closing argument. For all exercises students will be divided evenly between prosecutors and defense attorneys. Students will complete two written and three oral exercises which, together with class participation, will provide the basis for each student's grade. Because of the practical component, the class size will be strictly limited to 12 students.

Spring - Hasten, Jared; Murphy, Shannon

### **Federal Habeas Corpus**

LAWS 43212 - 01 (2 TO 3)

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 paper (if the 3 credit option is chosen).

Spring - Mortara, Adam

### **Feminist Economics and Public Policy**

LAWS 53215 - 01 (2)

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

around the world and proposed policy solutions. Topics will include gender relations and the organization of domestic and market work, violence against women, workplace and pay equality, gendered access to resources, education, and healthcare, and gender and property rights. Some economics background would be helpful. Final grade will be based on: a series of short reaction papers, class participation.

Spring - Strassmann, Diana

### **Food and Drug Law and Policy**

LAWS 43259 - 01 (3)

This course explores legal and policy issues in the federal regulation of foods, drugs, medical devices, and other products coming within the jurisdiction of the FDA. It will examine substantive standards applicable to these products and procedural issues in the enforcement of these standards. It will also address the tension between state and federal regulation in this area, constitutional constraints on such regulation, the conflict between state tort law and federal regulation, and a variety of other issues relating to the development and marketing of regulated products. The student's grade is based on class participation and a final examination or major paper.

Spring - Bierig, Jack

### **Foreign Relations Law**

LAWS 43269 - 01 (3)

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

Spring - Abebe, Daniel

### **Greenberg Seminars: Artificial Intelligence**

LAWS 92000 - 01 (1, 0 TO 1, 0 TO 1)

This seminar will explore a series of works on the ethical and legal issues posed by the promise of artificial intelligence and autonomous machines. Covered works will include Nick Bostrom's "Superintelligence: Paths, Dangers, Strategies;" Kurt Vonnegut's "The Player Piano;" the films "Ex Machina" and "Blade Runner;" and the television series "West World." We use these works to examine ethical and legal issues such as the consciousness, personhood, and culpability of autonomous

machines as well as questions about how artificial intelligence may disrupt existing institutions in society. The seminar will meet twice each quarter at the professors' home in Naperville on Sunday afternoons.

Autumn, Winter, Spring - Casey, Anthony; Casey, Erin

### **Greenberg Seminars: Black Lives Matter, Why?**

LAWS 92000 - 02 (1, 0 TO 1, 0 TO 1)

#BlackLivesMatter, why? In this class, we will examine Black Lives Matter, its meteoric leap from hashtag to rights movement, and where it goes from here. We will explore the roots of the movement, criticisms and pushback, intersectionality, and the questions it raises for the nation's future. We will read articles and essays, and also draw on a number of podcasts and movies to round out our discussion and come to a clearer understanding of Black Lives Matter. The class will meet twice in the fall, once in the winter, and twice in the spring.

Autumn, Winter, Spring - Conyers, Herschella; Hermalik, Amy; Wu, Jajah

### **Greenberg Seminars: Blood, Books, and Guns: Crime and Medical Ethics in Literature**

LAWS 92000 - 03 (1, 0 TO 1)

This seminar studies selected criminal justice topics and medical ethics issues through the lens of novels, plays, and other primary sources. We also explore the centrality of storytelling in lawyering and doctoring. Professor Alison Siegler and her father, Dr. Mark Siegler of the Medical School, bring to this seminar their undergraduate experience as English majors and their respective expertise in criminal defense and medical ethics. Topics include mens rea in Capote; sentencing in Shakespeare; end-of-life decision-making in Tolstoy; and crime, punishment, and ethics in Bob Dylan's music. The seminar meets five times over Autumn Quarter and Winter Quarter.

Autumn, Winter - Siegler, Alison; Siegler, Mark

### **Greenberg Seminars: British Novels of Law and Social Upheaval**

LAWS 92000 - 04 (1, 0 TO 1, 0 TO 1)

The period between 1860 and 1914 saw huge economic and social transformations in British society. Novelists captured this ferment, often reflecting on the role of law. We will think about how economic change, law, and the literary imagination all interact, reading a group of novels that deal with economic and social unrest: Thomas Hardy's *Tess of the d'Urbervilles* (1891) (dealing with class conflict and sexual vulnerability) Thomas Hardy, *Jude the Obscure* (1895) (dealing with class and education) Wilkie Collins's *No Name* (1862) (dealing with illegitimacy and inheritance law) Lewis Carroll's *Alice's Adventures in Wonderland* (1865) (a scathing satire of British politics) Anthony Trollope's *The Way We Live Now* (1875) (a dark study of the rise of new monied interests) and E. M. Forster's *Howards End* (1910)

(dealing with tradition and change, working class aspirations, and changing sexual mores)

Autumn, Winter, Spring - Nussbaum, Martha; Posner, Richard

**Greenberg Seminars: Classics in Law and Development**

LAWS 92000 - 14 (1, 0 TO 1, 0 TO 1)

This Greenberg will focus on some of the early literature on the relationship of law and economic development. Readings will be drawn from early anthropology and social sciences, starting in the 19th and early 20th centuries, to try to answer an enduring question: why are some countries poor and other countries rich?

Autumn, Winter, Spring - Ginsburg, Thomas; Robinson, James

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

LAWS 92000 - 06 (1, 0 TO 1, 0 TO 1)

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

Autumn, Winter, Spring - Masur, Jonathan; Mcadams, Richard

**Greenberg Seminars: Discrimination in American Institutions**

LAWS 92000 - 07 (1, 0 TO 1, 0 TO 1)

Although it has been over fifty years since the passage of the Civil Rights Act, racial discrimination remains a major problem in America's institutions. In this Greenberg seminar, each session we will watch a documentary film that explores racial discrimination in a different institution that is central to life in America. These will include areas like criminal justice, education, housing policy, political participation, and employment. We will specifically explore the de jure and de facto drivers of discrimination, and ways that legal reforms may help to address these problems. We will also discuss the extent to which the films we watch are successful at identifying and accurately characterizing institutional discrimination, and the power of media to drive awareness and change.

Autumn, Winter, Spring - Chilton, Adam; Buss, Emily

**Greenberg Seminars: Law and Psychology in Popular Media**

LAWS 92000 - 08 (1, 0 TO 1, 0 TO 1)

The seminar explores legal problems that lie in the intersection of ethics and psychology. The co-instructor, Boaz Keysar, is a Professor of Cognitive Psychology at the University of Chicago. In preparation to each meeting, students will be asked to watch a movie that raises a set of specific ethical/psychological problems. The movies include *The Stanford Prison Experiment*, *A Few Good Men*, *Inside Job*, and others. Graded Pass/Fail.

Autumn, Winter, Spring - Ben-Shahar, Omri; Keysar, Boaz

**Greenberg Seminars: Sex and Civil Rights**

LAWS 92000 - 09 (1, 0 TO 1, 0 TO 1)

Interracial sex and marriage were regulated in America for more than three hundred years. After emancipation in 1865, state anti-miscegenation laws became the cornerstone for the postwar world of racial segregation. These laws remained on the books until 1967, when the Supreme Court declared them unconstitutional in the case of *Loving v. Virginia*. This seminar puts issues of sex, particularly interracial sex, at the center of the story of the modern civil rights movement by focusing on the white supremacist South's foundational fears of sexual danger and the state anti-miscegenation laws that articulated and legitimated those fears. The seminar examines the centrality of sex to each moment in the creation of black rights as well as to the sustained resistance to those rights, and will also address the issue of gay rights in the modern era.

Autumn, Winter, Spring - Dailey, Jane; Stone, Geoffrey

**Greenberg Seminars: The Complacent Class and Other Tyler Cowen Ideas**

LAWS 92000 - 05 (1, 0 TO 1)

This Greenberg Seminar will read and discuss books by Tyler Cowen, a provocative and wide-ranging economist. Likely books include: *The Complacent Class* (the failure of the American Dream and why our society is static); *Average is Over*, (ideas about income inequality and jobs in the New Economy); *Good and Plenty* (arts funding); *Creative Destruction* (cultural appropriation and globalization); and *What Price Fame* (fame versus merit). [Books will be provided.]

Autumn, Winter - Levmore, Saul; Roin, Julie

**Greenberg Seminars: The Trump Presidency**

LAWS 92000 - 10 (1, 0 TO 1)

Donald Trump is the most divisive president of the modern era. After a tempestuous electoral campaign, he entered office with weak public support, and was immediately embroiled in a series of scandals. Does his presidency change American politics and constitutional understandings, or is he a "normal" president,

appearances to the contrary? We will read recent books on the Trump presidency, focusing on his election, his early tenure, and his legal and political battles.  
Autumn, Winter - Howell, William; Posner, Eric

**Greenberg Seminars: Tribes**

LAWS 92000 - 13 (1, 0 TO 1, 0 TO 1)

We are all members of various tribes, from the human tribe to religious tribes to sports tribes to the digital tribe. Tribes were once a source of biological necessity, while today they are often associated with negative qualities. Tribalism is viewed as against progress, although sometimes this is thought to be a good thing (e.g., preserving the tribalism of Native Americans, the Amish, Orthodox Jews, or the like). In this Greenberg, we will read widely on the subject of tribes and tribalism of various kinds, trying to understand the topology of modern tribes, the reasons for their persistence, whether they represent a good or bad feature of human society, and what the future of tribalism looks like. We will read non-fiction (e.g., "True Believer" by Eric Hoffer) and fiction (e.g., "Hominids" by Robert Sawyer) and watch a film or two (e.g., "Ex Machina").

Autumn, Winter, Spring - Henderson, M. Todd; Churi, Salen

**Greenberg Seminars: Unions in the American Political System**

LAWS 92000 - 11 (1, 0 TO 1, 0 TO 1)

In the United States and throughout much of the rest of the world, unions have historically played a tremendously important role in national, as well as local, politics. Over the past several decades, however, union strength has declined markedly, and the ability of unions to play an important role in national politics is today very much in question. In this seminar, we will explore the past, present, and future role that unions have played in the American political system. We will examine the constitutional questions raised by union political power, the challenges that unions face in the present political environment, and the possible alternatives to unions as mobilizing institutions. We will also examine the significant differences in the nature of union political power in other industrialized countries and ask why, in this context as in others, the United States is so exceptional.

Autumn, Winter, Spring - Stephanopoulos, Nicholas; Lakier, Genevieve

**Greenberg Seminars: What is Racism?**

LAWS 92000 - 12 (1, 0 TO 1, 0 TO 1)

This seminar explores the historical, sociological, and cultural roots of racism and racial ideologies. It examines the relationship of racism and racial ideologies with different forms of political governance, including segregation and apartheid, and explores the legal mechanisms that have both permitted and prohibited racism in various settings. The seminar will mainly focus on the meaning of racism most

prevalent in the United States but will also, where appropriate, consider comparative examples.

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

### **Hate Crime**

LAWS 53704 - 01 (2 TO 3)

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

Winter - Shawamreh, Cynthia

### **Health Law and Policy**

LAWS 43246 - 01 (3)

This course will offer a survey of principles in health law and policy. It covers three major units: (1) Financing and Delivery of Care in the American Health Care System (including through private insurance, Medicare, and Medicaid), (2) Quality of Care, the Treatment Relationship, and Liability, and (3) Bioethics and Improving Societal Health. Students should be prepared to discuss the impact of proposals to repeal and replace the Affordable Care Act—or the new Act itself if we have one by then. Student grades are based on class participation and a final examination.

Autumn - Epstein, Wendy Netter

### **Henry Sidgwick**

LAWS 53396 - 01 (3)

The most philosophically explicit and rigorous of the British Utilitarians, Henry Sidgwick made important contributions to normative ethics, political philosophy, and metaethics. His work also has important implication for law. His great work *The Methods of Ethics*, which will be the primary focus of this seminar, has been greatly admired even by those who deeply disagree with it – for example John Rawls, for whom Sidgwick was important both as a source and as a foil, and Bernard Williams, who wrote about him with particular hostility. Sidgwick provides the best defense of Utilitarianism we have, allowing us to see what it really looks like as a normative ethical and social theory. Sidgwick was also a practical philosopher and activist, writing on many topics, but especially on women’s higher education, which he did much to pioneer at Cambridge University, founding Newnham College with his wife Eleanor. A rationalist who helped to found the Society for Psychical Research, an ardent feminist who defended the ostracism of the “fallen woman,” a closeted gay man who attempted

to justify the proscriptions of Victorian morality, Sidgwick is a philosopher full of deep tensions and fascinating contradictions, which work their way into his arguments. So we will also read the work in the context of Sidgwick's contorted relationship with his era. Admission by permission of the instructor. Permission must be sought in writing by September 15. This class will meet at the Law School. Prerequisite: An undergraduate major in philosophy or some equivalent solid philosophy preparation. This is a 500 level course. Ph.D. students in Philosophy and Political Theory may enroll without permission.

Autumn - Nussbaum, Martha

### **Historic Preservation Law**

LAWS 53185 - 01 (2)

In this seminar on historic preservation law, we will study the rationale for preserving historic resources; the tension between private property rights under the constitution and the public benefit of preserving our historic heritage; the standards for designating landmarks; federal, state and local laws regulating landmarks; tax and other financial incentives to encourage preservation of historic buildings; and governmental regulation of historic churches. The Law School's historic Eero Saarinen building will illustrate the issues arising in using and rehabbing older structures for modern uses. Prior courses in land use or real estate are helpful. Your grade will be based upon four short reaction papers and your participation and attendance.

Spring - Friedman, Richard

### **History of the Common Law**

LAWS 43210 - 01 (3)

A survey of the development of Anglo-American legal institutions. Among the subjects covered will be the origins and growth of the legal profession, the origin and use of royal writs, the growth of the court system and the nature of trials at common law, law reporting, and the development of the common law in the American colonies and the new Republic.

Spring - Helmholz, Richard

### **Hopi Law Practicum**

LAWS 53359 - 01 (1, 1, 1)

The Hopi Clerkship is a year-long opportunity for students to get first-hand experience with the complex challenges and unique opportunities present in the everyday work of contemporary tribal legal systems. Students will support the Hopi tribe in three distinct ways: (1) serving as law clerks to justices of the Hopi Appellate Court, doing legal research, writing bench memoranda, participating in the judges'™ conferences, and drafting opinions on live cases; (2) serving as law clerks to the criminal trial court judge, especially on matters related to the application of federal Fourth Amendment law to tribal police; and (3) serving as

legal advisors to the Office of Cultural Preservation, working to support investigations and prosecution of Hopi cultural claims around the world in an attempt to return tribal patrimony. Students will do all their coursework and assigned casework at the University of Chicago with site visits to the respective Hopi legal institutions to attend oral arguments, present findings to Hopi tribal officials, and participate in judicial deliberations. In so doing, they will be directly involved in testing the socio-legal principles, theories and critiques they explore in class in the crucible of the work they do helping to lay the regulatory and legal foundations for Hopi tribal institutions. In this practicum, almost every project that a student will work on will involve important questions of first impression with respect to a wide variety of pressing, yet enduring sociolegal issues, including issues of constitutionalism (separations of powers, checks and balances, etc.), crime and punishment (criminal law enforcement and defendants' and victims' rights), civil procedure (due process, appellate procedure, motions and orders), private law (property, contract, family), pluralism (the role of Anglo-American vs. Hopi traditional norms, and alternative dispute resolution), among many others. Given the centrality of these issues to the philosophy, social science, and practice of law - whether in the context of indigenous self-governance and settler colonialism, or otherwise -we believe that there are few other opportunities like this one, where students will encounter, explore and work through, the profound governance and legal issues and discussions offered by the Hopi Clerkship. Co-requisite: American Indian Law

Autumn, Winter, Spring - Henderson, M. Todd; Richland, Justin

### **Housing Initiative Clinic**

LAWS 90226 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

The Housing Initiative is a transactional clinic in which students provide legal representation to community-based housing developers, tenant groups, and other parties involved in affordable housing development. Students serve as deal lawyers, advising clients on structuring issues; negotiating, drafting and reviewing construction loan documents, construction contracts, purchase and sale agreements, partnership agreements, and other contracts; securing zoning and other governmental approvals; assisting clients in resolving compliance issues under the applicable state and federal housing programs; and participating in the preparation of evidentiary and closing documents. Some of our work also involves community organizing and legislative and policy advocacy around affordable housing and public housing issues. In addition to working on specific transactions and projects, students in the Housing Initiative Clinic meet as a group in a weekly two-hour seminar in autumn quarter, and in a weekly one-hour seminar during winter and spring quarters, to discuss the substantive rules and legal skills pertinent to housing transactions and to examine emergent issues arising out of the students' work. During the fall quarter seminar, returning clinic students need only attend the first hour; new students should attend for the full two hours. In the

winter and spring quarters, all students should attend all the one-hour seminar sessions. Academic credit for the Housing Initiative Clinic varies and is awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical faculty.  
Autumn, Winter, Spring - Leslie, Jeffrey

### **Immigration Law**

LAWS 43200 - 01 (3)

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

Spring - Chilton, Adam

### **Innovation Clinic**

LAWS 90222 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

The Innovation Clinic's students work with start-ups and venture capital funds on a broad range of matters in the technology and innovation sector. These include entity formation, licensing, intellectual property and licensing of intellectual property, terms of use, privacy, financings, employment agreements, stock options and employee equity, taxation, governance and founders agreements, confidentiality and non-disclosure agreements, preparing for future financing and venture capital transactions, human resources, and sales and procurement agreements. Academic credit for the clinic varies and is awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical faculty. Co-Requisite: Entrepreneurship and the Law (unless instructor approval).

Autumn, Winter, Spring - Churi, Salen

### **Innovative Solutions for Business, Law, and Society**

LAWS 53286 - 01 (3)

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

Spring - Manning, Tom

**Institute for Justice Clinic on Entrepreneurship**

LAWS 90223 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

The Institute for Justice Clinic on Entrepreneurship, or IJ Clinic, provides legal assistance to low-income entrepreneurs who are pursuing the American Dream in spite of legal obstacles. IJ Clinic students develop practical skills in transactional lawyering while helping creative entrepreneurs earn an honest living, innovate, and build businesses that build neighborhoods. Students advise clients on issues such as business formation, licensing, zoning, strategic relationships, intellectual property protection, and regulatory compliance. Students become trusted advisors for their clients and have the opportunity to consult with clients on business developments; draft and review custom contracts; negotiate deals; research complex regulatory schemes and advise clients on how to comply; and occasionally appear before administrative bodies. Students may also work on policy projects to change laws that restrict low-income entrepreneurs. Policy work may involve legislative drafting, lobbying, and community organizing. Academic credit varies and will be awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical staff. The seminar Entrepreneurship & The Law is a pre- or co-requisite unless a student has received special permission from the IJ Clinic instructors. A commitment of at least two quarters is required.

Autumn, Winter, Spring - Kregor, Elizabeth; Hermalik, Amy

**Intellectual Property-based Finance and Investment**

LAWS 53320 - 01 (3)

Developed world corporations today are focused on an innovation heavy, tangible asset-lite model while exporting manufacturing, a lower margin enterprise. The trend is demonstrated by increased levels of R&D in innovation-driven industries, a doubling of issued patents outstanding and material, concentrated changes in the underlying IP law. While IP valuation, implementation and technological trends are coming to dominate many forms of investing, optimal risk adjusted returns morph with levels in the equity and credits markets and changes in IP law. This course will review these trends, explain the range of IP investment types (liquid/Illiquid, public/private, cash/derivative) and illustrate how insight into IP can drive investment and capital market decision making. Final grade will be based on a major paper.

Autumn - Friedman, Michael

**Intensive Trial Practice Workshop**

LAWS 81009 - 01 (3)

This is a required class for participation in the Exoneration Project Clinic and Civil Rights - Police Accountability Clinic. This class is strongly recommended for participation in the Employment Law Clinic, Criminal & Juvenile Justice Project Clinic; and Federal Criminal Justice Clinic. This class teaches trial preparation, trial

advocacy, and strategy through a variety of teaching techniques, including lectures and demonstrations, but primarily through simulated trial exercises. Topics include opening statements, witness preparation, direct and cross examination, expert witnesses, objections at trial, and closing argument. Practicing lawyers and judges are enlisted to provide students with lectures and critiques from varied perspectives. The class concludes with a simulated jury trial presided over by sitting state and federal court judges. Open to J.D. students only. Completion of this class partially satisfies one of the requirements for admission to the trial bar of the United States District Court for the Northern District of Illinois.

Autumn - Conyers, Herschella; Stone, Randolph; Futterman, Craig

### **International Arbitration**

LAWS 53310 - 01 (2 TO 3)

This seminar provides a basic foundation in the law and mechanics of international commercial arbitration and international investment arbitration. It will give students an understanding of the substantive and strategic issues that frequently confront international arbitration practitioners. The Seminar covers, among other things, the crafting of international arbitration agreements, the relative advantages and disadvantages of ad hoc UNCITRAL-Rules arbitration and institutional arbitration (e.g., ICC, LCIA, CAS, ICSID). The seminar also addresses the rules of procedure that commonly govern international arbitration, including procedural issues that commonly arise in international arbitration, including the availability and extent of discovery, pre-hearing procedure, the presentation of evidence, and the enforcement of international arbitral awards. The Seminar also will cover the fundamentals of international investment arbitration, including the jurisdictional issues that commonly arise in investor-state arbitration and the types of treaty claims that are commonly asserted under international law. While there will be a fair amount of traditional lecture, the format of the Seminar will depend heavily upon active student participation. Students will be graded based upon the quality of their preparation for and participation in the Seminar, as well as the quality of a required paper. This Seminar will satisfy part of the lesser of the school's two writing requirements, if substantial research and written work is completed.

Autumn - Rubinstein, Javier

### **International Human Rights**

LAWS 43262 - 01 (3)

This course is an introduction to international human rights law, covering the major instruments and institutions that operate on the international plane. It includes discussion of the conceptual underpinnings of human rights, the structure of the United Nations System, the major international treaties, regional human rights machinery, and the interplay of national and international systems in enforcing human rights. There are no prerequisites. Grading will be on the basis of a take-home exam at the end of the quarter. Students who wish to write, in lieu of

the exam, a paper sufficient to satisfy the substantial writing requirement, may do so upon approval of the topic in advance.

Winter - Ginsburg, Thomas

### **International Human Rights Clinic**

LAWS 90225 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

The International Human Rights Clinic works for the promotion of social and economic justice globally and in the United States. The Clinic uses international human rights laws and norms, other substantive law, and multidimensional strategies to draw attention to human rights violations, develop practical solutions and promote accountability on the part of state and non-state actors. The Clinic works with clients and organizational partners through advocacy campaigns, research and litigation in domestic, foreign, and international tribunals. Working in project teams, students develop and hone essential lawyering skills, including oral advocacy, fact-finding, research, legal and non-legal writing, interviewing, media advocacy, cultural competency and strategic thinking. Some students may have the option (but are not required) to undertake international or domestic travel in connection with their projects during the Autumn, Winter or Spring quarter breaks. Students may enroll for up to three credits a quarter. New students should plan to take the clinic for three quarters for a minimum of two credits each quarter.

Returning students may enroll for one credit each quarter.

Autumn, Winter, Spring - Flores, Claudia

### **International Trade Law**

LAWS 48401 - 01 (3)

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

Spring - Chilton, Adam

### **Introduction to Law and Economics**

LAWS 43231 - 01 (3)

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

liability rules (e.g., strict liability versus negligence); the determination of damages for breach of contract; and the economics of legal procedure. No prior acquaintance with economics or calculus is assumed; the relevant economic concepts are developed through an examination of particular legal applications. The student's grade is based on a final examination.

Autumn - Malani, Anup

### **Introduction to Law and Economics**

LAWS 43231 - 01 (3)

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

Winter - Dharmapala, Dhammika

### **Introductory Income Taxation**

LAWS 44121 - 01 (3)

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

Autumn - Roin, Julie

### **Introductory Income Taxation**

LAWS 44121 - 01 (3)

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

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

Winter - Hemel, Daniel

### **Introductory Income Taxation**

LAWS 44121 - 01 (3)

This class provides an introduction to federal income tax law. Topics covered in this course include (but are not limited to) what constitutes income; deductions; the tax treatment of gains and losses; realization and timing; tax shelters. The class uses a combination of lectures, class discussion and problems, focusing on the application of the Internal Revenue Code, Treasury Regulations, cases, and other sources of tax law. Policy issues underlying the tax law will also be analyzed. This class has no prerequisites.

Spring - Dharmapala, Dhammika

### **Jenner & Block Supreme Court and Appellate Clinic**

LAWS 90219 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

The Jenner & Block Supreme Court and Appellate Clinic represents parties and amici curiae in cases before the United States Supreme Court and other appellate courts. Students work on all aspects of the clinic's cases from formulating case strategy; to researching and writing merits briefs, amicus curiae briefs, and petitions for certiorari; to preparing for oral arguments. Students also conduct research on cases that may be suitable to bring to the U.S. Supreme Court.

Although the clinic's focus is the U.S. Supreme Court, the clinic may also handle cases in the United States Courts of Appeals and the Illinois Supreme Court. The clinic is supervised by Assistant Clinical Professor Sarah Konsky, Professor David Strauss, and members of the Appellate and Supreme Court Practice group at Jenner & Block. U.S. Supreme Court: Theory and Practice (LAWS 50311) is a required co-requisite for 2L and 3L students participating in the clinic. Students who have successfully completed a course covering content comparable to the U.S. Supreme Court: Theory and Practice seminar may seek consent from Professor Konsky to waive the co-requisite requirement. Academic credit for the clinic varies and is awarded according to the Law School's general criteria for clinical courses as described in the Law School Announcements and by the approval of the clinical faculty.

Autumn, Winter, Spring - Strauss, David; Konsky, Sarah

### **Judicial Federalism**

LAWS 59903 - 01 (2 TO 3)

In this seminar, we will explore the various doctrines that police the line between the role of the U.S. federal courts and the often-parallel role of the state courts (or occasionally tribal courts). Those doctrines include the limits on the subject-matter jurisdiction of the federal courts found in Article III; the Rooker-Feldman doctrine;

constitutional or common-law limitations on federal authority such as those for domestic-relations and probate cases; the various abstention doctrines (Pullman, Burford, Younger, Colorado River); the Anti-Injunction Acts; notions of *lis pendens* that apply in both federal and state courts; "complete" versus defense preemption, and habeas corpus review of state-court criminal judgments in federal courts. We will also compare the U.S. system to that of the European Union. There are no prerequisites. Students will write a paper (which can qualify for the substantial writing requirement) for credit in the seminar.

Winter - Wood, Diane

### **Judicial Opinions and Judicial Opinion Writing**

LAWS 52003 - 01 (3)

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

Winter - Posner, Richard; Hochman, Robert

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

LAWS 47411 - 01 (3)

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

presupposed, though some readings will be philosophically demanding, and the course will sometimes venture into (and explain) cognate philosophical issues in philosophy of language and metaethics as they are relevant to the core jurisprudential questions. Attendance at the first session is mandatory for those who want to enroll. Take-home essay exam.

Spring - Leiter, Brian

### **Kirkland & Ellis Corporate Lab Clinic**

LAWS 91562 - 01, 02 (3, 3, 3)

The Kirkland & Ellis Corporate Lab Clinic provides students with a forum for working closely with legal and business teams at top-tier multinational companies, leading nonprofits, and smaller entrepreneurial startups. The primary goal of the Corporate Lab is for students to learn practical legal skills, both substantively, in terms of the corporate "building blocks" necessary to understand complex transactions and agreements, and professionally, in terms of implementing such knowledge efficiently and meaningfully within the context of a wide array of careers as lawyers and business leaders. This class mirrors the real world work experience of both litigators and corporate lawyers: students will receive hands-on substantive and client-development experience and will be expected to manage and meet expectations and deadlines while exercising a high level of professionalism. As a result, this class is likely to involve a significant commitment (with a substantial amount of work to be completed outside of class). Clients will include the following: Amazon, Baxter Healthcare, Booth School of Business New Venture Challenge (Spring Quarter), Chicago Symphony Orchestra, GE Healthcare, Honeywell, IBM, John Deere, Microsoft, Nike, Northern Trust, Schreiber Foods, and Verizon Communications. Students will be required to sign nondisclosure agreements with participating clients. Corporate Lab students also will have the opportunity to negotiate a simulated transaction across the table from Northwestern Law students as part of the negotiation workshop component of the Corporate Lab (Autumn Quarter). Please note that (i) students are expected to remain in the Corporate Lab for a minimum of two consecutive quarters, (ii) students may not take the Corporate Lab for more than nine credits, (iii) LL.M. students may register by instructor permission only, and (iv) this offering will not count toward seminar restrictions. Student grades will be based upon participation in the classroom, appropriate attention to client services, collaborative efforts within a team environment, and quality of work product. For additional information, see the Corporate Lab website at [www.law.uchicago.edu/corporatelab](http://www.law.uchicago.edu/corporatelab). (Reduced 2-credit load with instructor permission.)

Autumn, Winter, Spring - Zarfes, David; Avratin, Joshua ; Kramer, Sean

**Labor History and the Law**

LAWS 53293 - 01 (2 TO 3)

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

Spring - Weinrib, Laura

**Law and Advances in Medicine**

LAWS 53298 - 01 (2 TO 3)

This seminar will address the intersection of medicine, science, and law, focusing on issues related to human research, informed consent, genetic technologies, and other advances in biotechnology. Enrollment is limited to 10 students. Students will write a significant research paper, submitted in three stages, which can be used to satisfy the Writing Project requirement and which will count for 50 percent of the grade. A Writing Project paper can be submitted on the first day of the following quarter. The other 50 percent of the grade will be based on class participation.

Spring - Palmer, Julie

**Law and Economic Development**

LAWS 43232 - 01 (3)

The relationship between law and economic development has been one of the central concerns of both modern social theory and of the development profession. This course will explore how, if at all, one might structure the legal system or implement particular policies so as to foster national economic growth. Drawing on literatures from economics, law and other disciplines, our first topic will be a survey of the various theories that seek to explain the process of development. Then we will turn to a discussion of the role that law might have played the role played in the development of Western Europe and that it might play in the development plans of currently developing nations. We shall also include a discussion of the impact that international trade and investment law play in generating wealth, and the relationship between wealth, democracy and distribution. This class is scheduled to have a take-home final exam.

Spring - Ginsburg, Thomas; Malani, Anup

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

LAWS 51302 - 01 (3)

The seminar aims to introduce students to the political science literature on courts understood as political institutions. In examining foundational parts of this literature, the seminar will focus on the relationship between the courts and other political institutions. The sorts of questions to be asked include: Are there interests that courts are particularly prone to support? What factors influence judicial decision-making? What effect does congressional or executive action have on court decisions? What impact do court decisions have? While the answers will not always be clear, students should complete the seminar with an awareness of and sensitivity to the political nature of the American legal system. In addition, by critically assessing approaches to the study of the courts, the seminar seeks to highlight intelligent and sound approaches to the study of political institutions. Particular concern will focus on what assumptions students of courts have made, how evidence has been integrated into their studies, and what a good research design looks like.

Winter - Rosenberg, Gerald

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

LAWS 53283 - 01 (2 TO 3)

This seminar is a multi-disciplinary, multi-partisan discussion of the balance between private property rights and governmental regulation in land use and development. We primarily address (i) the constitutional bases of private rights and public land use planning; (ii) eminent domain, takings and exactions (including impact fees and regulatory takings); (iii) current manifestations of local and regional planning and zoning, including City of Chicago zoning revisions; and (iv) legal procedures and practical strategies for obtaining public financial incentives, land use approvals, and "relief" for real estate development projects, both large and small. Our discussions are based on case law and our real world experience; active class participation by members of the seminar is essential. "Illinois Zoning, Eminent Domain and Land Use Manual" is used to provide practical answers to the issues presented in the seminar; other case materials are provided by the instructors upon registration. Grades are based on class participation and either a paper addressing a substantive topic or a proctored exam.

Autumn - Geselbracht, Thomas; Shadle, Paul; Novak, Theodore

**Law and Society**

LAWS 43219 - 01 (3)

This seminar offers an introduction to the central themes and major debates in the field of Law and Society. The field of sociolegal studies is an interdisciplinary one, and reflecting this, the course will emphasize research in sociology, political science, psychology, anthropology, and legal studies. We will explore classic

readings from the Law and Society canon as well as more contemporary research and theory. We will analyze the readings for both their theoretical and empirical contributions, as well as for the methodologies the authors deploy. The themes we will consider over the course of the quarter include the tension between state or "official" law and nonlegal norms for ordering everyday life; the factors that influence who mobilizes the law (and who doesn't); and what it means to use law in contexts other than courtrooms, such as in families, neighborhoods, workplaces, social movements, and mass media. We will explore the debate about the value of rights and litigation strategies in efforts to produce social change, and we'll examine the ubiquitous role of law in popular culture. The course will conclude with a look forward at future directions in law and society research. Final grade will be based on a major paper.

Autumn - Marshall, Anna-Maria

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

LAWS 53297 - 01 (3)

Market-based mechanisms such as emissions trading are becoming widely accepted as cost-effective methods for addressing environmental concerns, especially as societies move towards a carbon-constrained future. In the last decade, we have witnessed the expansion of environmental finance to new products - carbon dioxide spot and futures contracts, sulfur dioxide futures and over-the-counter water contracts - that are now fully integrated financial instruments for hedging and speculation. These mechanisms also have potential benefits to address issues in other pressing matters such as water quality, fisheries and biodiversity protection. Like their commodity, equity and fixed-income predecessors, environmental markets did not start by spontaneous combustion. Their successful evolution required the development of specific legal and institutional infrastructures. Financial innovation in general, and the development of the first organized greenhouse gas market in particular, should be of interest to economists, lawyers, policy makers and members of the capital markets. The course will look at financial innovation utilizing the Coasean framework. The study of his work indicates that price mechanism use costs (the sum of infrastructure and transaction costs) have three components: (1) property rights and government regulation; (2) institution-building to minimize transaction costs; and, (3) minimization of per unit transactions costs. The course will draw on practical examples from the lecturer's career to explain the origin and evolution of other markets as a guide in the development of new environmental markets. The historical evolution and current developments of market-based mechanisms to address environmental issues will be carefully analyzed. Special attention will be given to the analysis of the cap-and-trade program on sulfur dioxide (SO<sub>2</sub>) established by the Clean Air Act of 1990. A significant part of the course material will be devoted to discussion of the emerging market for greenhouse gas emissions both in the United States and abroad. Other environmental markets (smog,

renewable energy, water, sustainability indices and biodiversity) will also be featured. Non-law students must apply by emailing Curtrice Scott, Esq., Director, Coase-Sandor Institute at [curtrice@uchicago.edu](mailto:curtrice@uchicago.edu). Final grade will be based on a major paper.

Spring - Sandor, Richard

### **Law and the Mental Health System**

LAWS 47001 - 01 (3)

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

Autumn - Heyrman, Mark

### **Legal Elements of Accounting**

LAWS 43247 - 01 (1)

This mini-class 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 seminar 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 assignment. Students with substantial prior exposure to accounting (such as students with an MBA, joint MBA/JD students, and undergraduate finance or accounting majors) may not take the course for credit.

Winter - Sylla, John

### **Legal Profession**

LAWS 41002 - 01 (3)

This course, which satisfies the professional responsibility requirement, will consider the law and the ethics governing lawyers. Among the topics that will be examined are the nature of the lawyer-client relationship, competency,

confidentiality, conflicts of interest, and some fundamental questions about who we are and what we stand for as lawyers. A student's grade is based on a final examination. This class will be capped at 50.

Spring - Alberts, Barry

**Legal Profession: Ethics**

LAWS 53101 - 01 (2 TO 3)

This seminar addresses ethical considerations and issues encountered during the practice of law, including strategic, practical, and moral considerations with which attorneys should be familiar. Using materials from casebooks, the rules of professional conduct, cases or articles of particular interest and videos, we will discuss within the context of the Model Rules the ethical situations that lawyers face. There will be a particular focus on the ambiguities of how to handle particularly difficult issues encountered in the practice of law and the rules and framework to which attorneys can turn in determining how to handle those situations. Throughout the seminar, we will consider certain overarching questions, including: a) are lawyers authorized by their duties to clients to lie, b) is civility consistent with the duty of vigorous representation, c) is social media beyond the rules, and d) can there be a conflict without direct adversity. This seminar will be taught as a participatory class and will use structured hypotheticals. Students will be evaluated both on the quality and extent of their participation and on the basis of a paper of 20 pages in length on a topic relating to professional responsibility chosen by and of particular interest to the student. Short presentations of the paper will be incorporated into the class. Attendance is mandatory.

Winter - Morris, Hal

**Legal Profession: Ethics in Government and Public Interest Legal Practice**

LAWS 53104 - 01 (3)

This seminar, which satisfies the professional responsibility requirement, will address the ethical rules and principles that govern government and public interest attorneys. Among the topics that will be explored is the challenge of defining who the client is in government practice. Time will also be devoted to exploring the nature of the attorney-client relationship, conflicts of interest, candor requirements and various other duties and obligations imposed upon government and public interest attorneys, whether they litigate cases or not. Real world scenarios will be used to illustrate the various ethical issues attorneys face each day. The class will meet once a week. A student's grade will be based upon the quality of in-class participation, a take-home final exam and a 10 page paper on a topic of the student's choosing in consultation with the Instructor.

Spring - Peters, Lynda

**Legislation and Statutory Interpretation**

LAWS 44201 - 01 (3)

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

Spring - Epstein, Richard

**Life (and Death) in the Law**

LAWS 53348 - 01 (2)

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

Spring - Conyers, Herschella

**Litigation Laboratory**

LAWS 81015 - 01 (3)

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

Winter - Masters, Catherine; Clark, James

**Local Government Law**

LAWS 43228 - 01 (3)

This course examines the law regarding the provision of public goods and services at the state and local level. It explores the way in which local government law addresses the issues of what services a local government should provide, which

residents should receive those services, who pays for the services provided, and how these decisions are reached. In the process, it explores the relationship among federal, state, and local governments, with particular emphasis on judicial analysis of the constitutional and statutory basis of those relationships.

Spring - Roin, Julie

### **Marketing Strategy**

LAWS 43256 - 01 (3)

I use a framework based approach to teach this course. The first half of the class is spent on building a structured approach using customer analysis (assessing how the firm could provide unique benefits to an attractive target market segment); company analysis (assessing strategic fit based on long-term strategy and core capabilities) and competitor analysis (ascertaining how to build sustainable competitive advantage against both "current" and "future" competitors). The second half of the class uses the strategic marketing analysis described above to identify issues and challenges the firm faces, and articulate marketing objectives that are used to develop the marketing plan (product development, positioning and product strategy; setting prices to capture value, determining potential channel or places of distribution and promotion & communication strategies to communicate benefits to the target market). I also try to use multiple pedagogical tools to help students comprehend and assimilate the material. This includes lectures that introduce tools, concepts and frameworks on each topic in the framework followed by a rigorous case analysis to illustrate application. In addition, I will discuss current events, recent industry examples, and ask you to play a real-world data based pricing simulation. I have also been working with firms applying these frameworks for the last 25 years and hope that students will also share their experiences in class discussions. Finally, in order to expose you to different types of marketing careers where concepts taught in this class can be leveraged, I typically invite 1-2 guest speakers from a variety of industries. I strive to enhance student problem-solving and decision-making abilities and use marketing case studies to provide an opportunity (both written and oral) to help a student develop, present, and defend their own recommendations, and to examine and discuss the recommendations of others critically. Given the rigorous and highly interactive nature of class discussion, as well as framework based approach used, this class is helpful to students for case analysis preparation. Therefore, in addition to students pursuing marketing careers, this class is also helpful to students pursuing consulting careers, developing entrepreneurial businesses, or interested in understanding and analyzing growth and demand strategies of a corporation.

Winter - Dhar, Sanjay

**Mental Health Advocacy Clinic**

LAWS 90213 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

Mental Health Advocacy teaches a variety of advocacy skills. With the permission of the clinical teacher, students may choose to focus on litigation, legislation, or both. Students engaged in litigation may interview clients and witnesses; research and draft pleadings and legal memoranda, including briefs to reviewing courts; conduct formal and informal discovery; negotiate with opposing counsel and others; conduct evidentiary hearings and trials; and present oral argument in trial and appellate courts. Students who have completed fifty percent of the credits needed for graduation may be licensed to appear, under the supervision of the clinical teacher, in state and federal trial and appellate courts pursuant to court rules and practices. Students engaged in legislative advocacy may research and draft legislation and supporting materials, devise and implement strategies to obtain the enactment or defeat of legislation, negotiate with representatives of various interest groups, and testify in legislative hearings. In addition to discrete advocacy skills such as cross-examination, discovery planning, and legislative drafting, the course aims to provide students with an understanding of the relationships between individual advocacy tasks and the ultimate goals of clients, between litigation and legislative advocacy, and between advocacy on behalf of individual clients and advocacy for systemic change. Prior or contemporaneous enrollment in Law and the Mental Health System is encouraged, but not required, for all students. See the general rules for all clinical courses for further details concerning enrollment, including the rules governing the award of credit. There is a mandatory one-credit seminar component for this course which meets once a week during the Autumn Quarter. Mental Health Advocacy satisfies part of the writing requirement if substantial written work is completed. Student may enroll in this clinical course for between one and six quarters.

Autumn, Winter, Spring - Heyrman, Mark

**Mergers and Acquisitions**

LAWS 53107 - 01 (3)

In this course we will examine a number of the important legal and practical issues that arise in connection with mergers and acquisitions of U.S. businesses. These include: (1) the differences between mergers and tender offers, and the advantages and disadvantages of each type of transaction; (2) the duties of directors in change of control transactions and some of the remedies that may be available; (3) developments in the appraisal remedy; (4) special considerations applicable to going private transactions in which publicly held companies are acquired by controlling shareholders or by entities with the participation or support of the company's management; (5) disclosure issues in public M&A transactions; (6) some issues that arise in connection with hostile takeovers and takeover defenses; (7) deal protection provisions in public merger agreements; (8) some issues that arise in connection with merger, stock purchase, and asset purchase agreements; (9)

some issues relating to fraud claims brought in M&A transactions; and (10) some issues that arise in connection with preliminary agreements. The course materials will include articles and relevant judicial decisions, as well as some disclosure documents and model merger, stock purchase and asset purchase agreements. Some of the topics we will cover in this course may be covered in introductory business law courses, but students who have taken or are taking introductory business law courses should not hesitate to sign up for this course. Introductory business law courses are not a prerequisite for this course. Some of the topics in this course will also be covered in Buyouts and in Mergers and Acquisitions Agreements, but those courses are not a prerequisite for this course and students may take all three courses. Grades will depend on a take-home exam and class participation.

Autumn, Winter - Davis, Scott

### **Modern Muslim Constitutional Thought**

LAWS 53276 - 01 (2 TO 3)

Since its inception, Islamic Law has grown from a set of rules governing life in 6th century Arabia to a global body of law developed across time and place with application to religious, civil, criminal, constitutional, commercial, and international law. The primary objective of the seminar will be to give students a basic understanding of Islamic Law and the issues faced in applying Islamic Law in the modern context. The seminar will cover the origins and historical development of Islamic Law, Islamic legal theory, scope and application of Islamic Law, and selected current issues such as Islamic Finance. Modern constitutional law issues regarding sources of law, religious freedom, public interest, and related issues in Muslim majority countries will be reviewed as well as the debates around the application of Islamic Law for Muslim minorities living in secular states. Special attention will be paid to comparative law aspects of Western legal theory and Islamic legal theory in light of the historical introduction of Western legal systems to the Muslim world through Colonial and post-Colonial experiences. Current political debates around Shari'ah law and the concept of a Caliphate will be assessed against Islamic legal theory and constitutional law, specifically in light of the "Arab Spring" revolutions and the phenomenon of violent extremism. As such, in addition to a theoretical understanding of Islamic Law in the modern context, students will also develop an understanding of the practical impact of legal theory on political, social, and economic realities in the Muslim world and beyond. This is a one-quarter seminar for 2L and 3L students. There are no pre-requisite courses required in Islam. Weekly readings will be assigned in English language source materials. The seminar will draw on the lecturer's extensive personal experience with the subject matter and knowledge of the legal systems of Muslim majority states such as Saudi Arabia, Turkey, UAE, Pakistan, Egypt, Malaysia, and elsewhere. Professor Kamran Bajwa studied classical Islamic Law and Islamic Theology at the Al-Azhar seminary in Cairo, Egypt prior to attending the

University of Michigan Law School where he also took advanced courses in Islamic Law. After graduating from law school, Professor Bajwa trained as a corporate transactional lawyer at a major U.S. law firm and then moved to the Middle East and practiced law in that region for 8 years. During his time working in the Middle East, Professor Bajwa continued his studies in Islamic Law and served as an advisor to major Islamic scholars and political leaders throughout the Muslim world involved in legal reform and intellectual projects. Professor Bajwa currently heads the Middle East regional practice for a major U.S. law firm and travels regularly to the region. Grading will be based on student participation and a collaborative student presentation on a sub-topic of the student's choice.

Autumn - Bajwa, Kamran

### **Modern Professional Responsibility**

LAWS 41018 - 01 (3)

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

Autumn - Nozette, Mark

### **Money and Criminal Justice**

LAWS 53367 - 01 (2)

This seminar explores the pervasive role of money in the criminal justice system. Potential topics include indigent defense funding, "for-profit policing," the "prison-industrial complex," liability insurance, private prisons and police, federal grants, and bail. Readings will be interdisciplinary. Grades will be based on class participation and reaction papers and/or online posts.

Spring - Rappaport, John

### **Moot Court Boot Camp**

LAWS 95030 - 01 (1 TO 2)

Moot Court Boot Camp has two components: oral advocacy and writing. The oral advocacy component will cover the basics of appellate oral argument. Students will receive two different cases and prepare and submit argument outlines in advance. During the workshop, students will gain hands-on experience by conducting multiple oral arguments before a variety of alumni and other practicing attorneys, judges, and faculty, who will provide feedback. The writing component will cover the basics of appellate brief writing. Students will prepare a short, written

assignment that we will discuss and revise during class. We will focus on strong issue statements, effective headings, and powerful conclusions. We'll also explore sentence structure and word choice. Students will learn to define themes in their writing and carry them into the oral argument. Focused writing, we will learn, promotes successful oral advocacy, and vice versa. This class, which will meet for the weekend of October 28-29, is an optional supplement to the Hinton Moot Court Competition. One credit will be granted for the weekend course and an additional credit will be granted upon completion of two judged arguments as part of the Hinton Moot Court Competition. There are no prerequisites, but good faith participation in the Hinton Moot Court Competition is required. Students may receive credit for this class only once during their Law School career. The Moot Court Boot Camp is open to J.D. students only and is graded Pass/Fail.  
Autumn - Duquette, Elizabeth; Noller, Lisa

### **Negotiating Merger and Acquisition Agreements**

LAWS 53366 - 01 (2)

In this seminar the members of the class will negotiate certain issues that may arise in the negotiation of: (1) merger agreements in which the target is a public company; and (2) asset purchase agreements. For each type of agreement, we will begin with an examination of certain aspects of a model agreement and a discussion of some significant issues that may be present. The members of the class will then have simulated negotiations based on written hypothetical situations in which they will be attempting to reach an agreement and negotiate contractual language on the open points. In the simulated negotiation for each type of agreement all members of the class will be identified as counsel for either (a) the buyer or (b) the target or the seller. The simulated negotiations will begin in class, though they may need to be finished outside of class. We will also examine certain ethical issues that may arise in negotiations. Grades will be based on: (i) two three to five page papers describing the student's simulated negotiating experience for each type of agreement, and what the student would do differently in the future; (ii) classroom performance (including performance in the simulated negotiations); and (iii) the content submitted for each type of agreement (or what was proposed if the parties cannot agree on content). Some of the topics in this course will also be covered in Mergers and Acquisitions, but that course is not a prerequisite for this course and students may take both classes.

Spring - Davis, Scott

### **Non-Profit Organizations**

LAWS 53202 - 01 (2)

This seminar explores the laws associated with nonprofit organizations and charitable giving, with a particular emphasis on tax-related issues. Topics covered include: the formation, dissolution, and restructuring of nonprofit organizations; fiduciary duties of officers and directors; criteria for exemption from federal

income tax; limitations on private inurement and private benefit; involvement of nonprofit organizations in politics; commercial activity and the unrelated business income tax; rules governing private foundations; deductibility of charitable contributions; and the tax treatment of social welfare organizations, labor unions, business leagues, social clubs, and fraternal organizations. The course will place particular emphasis on policy considerations related to the federal tax treatment of nonprofit organizations. Grades will be based on a final examination. Instructor's approval is required for students who have not completed or are not currently enrolled in Introductory Income Tax.

Winter - Hemel, Daniel

### **Oil and Gas Law**

LAWS 45301 - 01 (3)

The basic law relating to the exploration, production, and development of oil and gas. The principal topics covered are: (1) ownership interests in natural resources, (2) leasing and field development, (3) the classification and transfer of production interests, and (4) regulation of field operation -- pooling, unitization, and environmental controls. Taxation and post-production marketing controls are not covered.

Winter - Helmholz, Richard

### **Opera as Idea and Performance**

LAWS 43264 - 01 (3)

Is opera an archaic and exotic pageant for fanciers of overweight canaries, or a relevant art form of great subtlety and complexity that has the power to be revelatory? In this course of eight sessions, jointly taught by Professor Martha Nussbaum and Anthony Freud, General Director of Lyric Opera of Chicago, we explore the multi-disciplinary nature of this elusive and much-maligned art form, with its four hundred-year-old European roots, discussing both historic and philosophical contexts and the practicalities of interpretation and production in a very un-European, twenty-first century city. Anchoring each session around a different opera, we will be joined by a variety of guest experts, including a director, conductor, designer and singer, to enable us to explore different perspectives. The tentative list of operas to be discussed include Monteverdi's *The Coronation of Poppea*, Mozart's *Don Giovanni*, Rossini's *La Cenerentola*, Verdi's *Don Carlos*, Puccini's *Madama Butterfly*, Wagner's *Ring*, Strauss's *Elektra*, and Britten's *Billy Budd*. Remark: students do not need to be able to read music, but some antecedent familiarity with opera would be extremely helpful. CD's and DVD's of the operas will be placed on reserve.

Spring - Nussbaum, Martha

### **Partnership Taxation**

LAWS 44301 - 01 (3)

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

Prerequisite: Introductory Income Tax

Spring - Golub, Todd; Lipton, Richard Mark

### **Patent Law**

LAWS 43244 - 01 (3)

This is a basic course in patent law, in which the class is introduced to the governing statutes, core concepts, and influential court decisions. No technical expertise is necessary whatsoever, and students from all backgrounds are encouraged to enroll. Patent cases sometimes involve complicated technologies, but the key to understanding the relevant legal issue almost never turns on an understanding of the patented technology itself. Student grades are based on an in-class final examination. Students from all backgrounds -- technical or not -- are encouraged to enroll.

Spring - Masur, Jonathan

### **Patent Litigation**

LAWS 53254 - 01 (3)

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

Spring - Cherny, Steven; Wilcox, Jason

### **Political Control of the Administrative State**

LAWS 53399 - 01 (2 TO 3)

This seminar will examine how legal and political institutions constrain administrative decision-makers. We will begin by exploring congressional and presidential checks on administration—and the bureaucracy's ability to "resist" these actors. We then will turn to intra-agency structures that may diffuse or check power, including removal protection, multi-member boards and commissions, and watchdog and value-based offices nested within administrative agencies. Particular attention will be paid to how these structures promote or hinder constitutional

values, as well as to constitutional, statutory, and practical limitations on the use of these mechanisms. Prior coursework in administrative or constitutional law may be helpful, but is not required. Students will be evaluated based on class participation and a series of short reaction papers (two credits). Students may earn an additional one credit by writing a short research paper.

Spring - Feinstein, Brian

### **Poverty and Housing Law Clinic**

LAWS 91301 - 01 (3 TO 4, 3 TO 4)

This clinic, conducted over two sequential quarters, exposes students to the practice of poverty law by giving them the opportunity to work on housing cases at LAF, the Midwest's largest provider of free civil legal services to the poor. Students may be asked to attend administrative grievance hearings, represent tenants facing unwarranted evictions, and prevent landlords from performing lockouts or refusing to make necessary repairs. All students will be expected to interview clients, prepare written discovery, conduct research, and draft motions. In addition to working 12 hours a week at LAF, students will attend a weekly two-hour class to learn about subsidized housing programs, eviction actions, housing discrimination, the intersection between domestic violence and housing, and the extensive and often misunderstood connection between criminal law and housing. Enrollment is limited to eight students. The seminar is taught by Lawrence Wood (Director, LAF's Housing Practice Group). Each student's grade is based on his or her class participation (20%), a paper (10%), and work at LAF (70%).

Winter, Spring - Wood, Lawrence

### **Poverty Law**

LAWS 57402 - 01 (2 TO 3)

This seminar offers an introduction to the substantive law and procedure of public benefit programs in the United States. The seminar will identify persistent controversies in poverty law, including means-test design, funding structure, federalism issues, and behavioral rules, as well as how poverty law interacts with immigration enforcement and disability law. Throughout, we will examine to what extent the agencies that administer these public benefits are vulnerable to federal litigation and what remedies may result from such litigation. Final grade will be based on: a major paper, a series of short reaction papers, class participation.

Spring - Hammond, Andrew

### **Pre-Trial Advocacy**

LAWS 81008 - 01 (2)

This seminar will focus on litigation strategies and skills that are instrumental in the day-to-day life of a litigator, many of which are used in both the pretrial and trial phases of litigation. Students will get to interview witnesses, negotiate discovery disputes, take depositions, cross-examine witnesses and draft and argue

motions in limine, in addition to learning to evaluate and develop facts and legal theories and study tactical moves to disarm the opposing side and narrow the case for trial. The seminar employs a variety of learning methodologies, including lectures, small group discussions, and participation in mock exercises with live witnesses. Students taking Pre-Trial Advocacy are also eligible to enroll in the Intensive Trial Practice Workshop. Because of the overlap in topics, students are ineligible for Pre-Trial Advocacy if they have taken or are currently enrolled in any of the following litigation clinics: Criminal and Juvenile Justice Project Clinic; Civil Rights Clinic; Police Accountability; Mental Health Litigation Clinic; Complex Mental Health Litigation Clinic; Exoneration Project Clinic; Employment Discrimination Clinic; Abrams Environmental Law Clinic; and Federal Criminal Justice Clinic. The student's grade is based on class participation, including participation in mock exercises, and written work product. Evidence is a prerequisite that may be taken concurrently.

Autumn - Husten, Lisa; Kelly, Erin

### **Privacy**

LAWS 43250 - 01 (3)

This seminar surveys America's efforts to draw boundaries between the public and private spheres. Substantive topics of discussion may include privacy tort law, constitutional and statutory privacy frameworks, Internet privacy; health care and genetic privacy; sexual privacy; FTC privacy regulation, and European privacy law. The student's grade is based on a series of bi-weekly reaction papers, one of which will require outside research, and class participation.

Winter - Strahilevitz, Lior

### **Private Equity Transactions: Issues and Documentation**

LAWS 53224 - 01 (3)

This seminar will examine from a practical perspective the issues and documentation arising in a typical private equity acquisition transaction. The seminar will follow this type of transaction through its various stages and provide students in-depth and practical experience with common deal issues and drafting contractual provisions to address those issues. The goal of the seminar is to help prepare students for the practical aspects of being a deal lawyer. Coursework will include reading acquisition contracts, cases and legal commentators and weekly written assignments (contract drafting and issue analysis). Grades will be based on class participation and the written assignments. Business Organizations and Contracts are prerequisites.

Winter - Fennell, Mark; Ritchie, Stephen

**Professional Responsibility and the Legal Profession**

LAWS 43284 - 01 (3)

This course provides a systematic treatment of the law of professional responsibility. The central goal is to understand how the rules of professional conduct guide lawyer conduct and shape the legal profession. Toward that end, we will begin by examining the lawyer's key duties to clients in different contexts, paying attention to differences based on what lawyers do (advocacy, advising, negotiating), where they work (law firms, corporate legal departments, government legal offices, public interest organizations, legal services groups), and what types of clients they represent (individuals, classes, organizations). Drawing upon case materials and problems, our emphasis will be on how lawyers define and resolve ethical problems while promoting their public duties in the real world of practice. We will pay special attention to the two foundational rules of professional responsibility (client confidentiality and conflicts of interests) and will consider how market changes and demographic shifts impact the lawyer's role. Overall, the course is designed to help you think critically about the challenges you will face in the profession you are about to enter and how you can best meet them in the pursuit of your professional goals.

Autumn - Marshall, Anna-Maria

**Project and Infrastructure Development and Finance**

LAWS 53110 - 01 (3)

This seminar is focused on the development and project financing of infrastructure facilities. These transactions feature a wide variety of commercial agreements and financial instruments, legal and financial structuring, and a significant role for lawyers. Public private partnership structures will be examined. Representative transactions, principally in the energy, transportation and public infrastructure sectors, will be selected for analysis and discussion. Infrastructure projects such as these provide a convenient vehicle for discussion of contractual provisions, structuring parameters, financial analysis, and legal practice issues common to a broad range of business and financial transactions. The classes will be discussion oriented; grades will be based on 3-4 short papers, an analytical paper of 10- 13 pages based on a case study and class participation. There are no pre-requisites, although basic corporation law is recommended. The readings will be taken from textbooks, professional journals, and actual commercial and financial contracts. A speaker from the financial community with a wide range of experience is expected. Enrollment is limited to 25 students. Recommended but not required: Corporations or the equivalent.

Autumn - Jacobson, Martin

**Prosecution and Defense Clinic**

LAWS 91201 - 01 (3 TO 4, 3 TO 4)

The Prosecution and Defense Clinic provides students with an opportunity to learn about the criminal justice system through: (1) a 2-quarter seminar taught by a former Assistant United States Attorney and a career defense lawyer; and, (2) a clinical placement in either a prosecutor's office or public defender's office. The course will familiarize students with the legal procedures and issues which arise in a typical criminal case as well as ethical and other social justice issues encountered by all criminal justice attorneys and courts. The clinic provides students with a unique combination of substantive criminal law and procedure, ethics, trial practice, and hands-on experience through a clinical placement. Each student in the clinic will be responsible for securing a field placement and participating in a pre-screened externship program with a federal or state prosecutor or defender office for the winter and spring quarters. Examples include the U.S. Attorney's Office for the Northern District of Illinois or the Public Defender's office in any northern Illinois county. Students will comply with the clinical placement's requirements regarding hours and assignments, and may be expected to research substantive criminal law issues, draft affirmative and responsive pleadings and memos, interview witnesses and clients, assist lawyers with court hearings and where permitted (and with an appropriate 711 license), appear in court under the supervision of practicing attorneys. Other components of each student's grade are: seminar classroom participation; trial practice exercises; journal entries; and, a 10-page practice paper or research paper. There is no final exam (in either quarter) and students will earn up to seven credits for the course, depending on the placement. Because of the practical component, the class size will be limited to twelve 2L or 3L students, and the class will require a minimum of six students to enroll for it to be offered.

Winter, Spring - Noller, Lisa; Armour, Molly

**Public Choice**

LAWS 43218 - 01 (3)

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

Spring - Levmore, Saul

**Public International Law**

LAWS 43230 - 01 (3)

This course takes up international law as a substantive body of rules, an array of processes by which law is created, interpreted, and enforced, as well as a discipline in that comprises a community of lawyers and academic jurists with a common vocabulary, a shared sense of history and a shared range of professional activities, but often with divergent views about its purposes, missions and accomplishments. This course is designed to introduce you to both the substance and process aspects of international law and how it is applied, interpreted and contested by it various participants. After focusing on two problems that demonstrate how international law has evolved and developed, the course then proceeds to focus on the traditional sources of international law and the contemporary pressures that have been placed on them. Its participants will then be considered particularly in light of the decision-making mechanisms by which international law is developed and carried out, the institutions that serve as deciders, and the legal regimes that take shape as a result. Part of the course will also engage the question of international law in the domestic system. The last part of the course will address problems related to global interdependence and integration, including but not limited to international legal challenges relating of managing the global economy (with a particular focus on dispute settlement in the World Trade Organization) as well as on efforts to regulate the use of force. Final grade will be based on: a major paper. Autumn - Gathii, James

**Racism, Law, and Social Sciences**

LAWS 54303 - 01 (3)

The domains of racism, law, and the social sciences impact one another in myriad ways. At times, a system of racism is deployed through law, which in turn shapes questions asked in the social sciences. In other instances, the sciences articulate conceptual frameworks that lead to the creation of new forms of racism within society and law. Particular systems of racism have operated across a spectrum from incidents of overt violence to the daily impacts of implicit biases. Our readings and class discussions will consider a sample of case studies from across the globe in addition to past and present dynamics in the United States. Analyses of the social construction of racial and ethnic identities have facilitated studies of the ways in which social differences are created, maintained, and masked. Subjects to be addressed in this course include the interrelation of racial ideologies with other cultural and social dimensions, such as class, ethnicity, gender, political and legal structures, and economic influences. At an international scale, policy makers confront the challenge of balancing calls for multicultural tolerance with demands for fundamental human rights. We will also consider the related histories of biological, genetic, and epigenetic concepts of different races within the human

species. Requirements for this course include thoughtful class participation and a final, take-home examination.

Spring - Fennell, Christopher

### **Real Estate Transactions**

LAWS 44801 - 01 (2)

Real Estate Transactions will focus on the lawyer's role in structuring and negotiating investments in commercial real estate. The first half of the course will explore legal issues encountered when acquiring, selling and financing commercial real estate investments, including through mortgage and mezzanine debt. The second part of the course will focus on "joint ventures" and other capital aggregation vehicles. For many reasons, including capital requirements, diversification, expertise and resource allocation, it is typical today for an investor to own real estate with one or more other investors in a joint venture. Because decisions about the ownership of an asset necessarily involve information regarding the underlying real estate, and because joint ventures are relationships put in place to work (or not!) for a period of time, studying joint ventures is an ideal way to learn how to become an effective transactional attorney. Our goal in the course is to provide you with an understanding of how an attorney can be most effective in negotiating and documenting sophisticated real estate transactional agreements. Students will learn to look at the motives, goals and roles of each party to a transaction and to make sure that the legal structure most efficiently accommodates the client's business objectives. Final grade will be based on a major paper and class participation.

Winter – Small, Andrew

### **Regulation of Sexuality**

LAWS 43229 - 01 (3)

This course explores the many ways in which the legal system regulates sexuality, sexual identity, and gender and considers such regulation in a number of substantive areas as well as the limits on placed on such regulation by constitutional guarantees including free speech, equal protection, and due process. Readings include cases and articles from the legal literature together with work by scholars in other fields. The grade is based on a substantial paper, series of short papers, or final examination, with class participation taken into account.

Spring - Case, Mary Anne

### **Religion, Law, and Politics**

LAWS 53335 - 01 (3)

This seminar examines the conceptualization and realization of religious liberty and the separation of church and state. We explore philosophical precepts and

historical contexts, review the state of the law, and address current controversial issues. Final grade will be based on a major paper.

Spring - Neil, Sylvia

### **Remedies**

LAWS 41401 - 01 (2)

The way in which the law responds to violations of rights is no less important than the way in which those rights are allocated. The law of remedies determines the law's response to violations of rights, and in so doing, it delineates their boundaries and gives them legal meaning. Hence, the study of the law of remedies is closely related to the study of the substantive law, each field shedding light on the other. This course focuses on remedies in Contracts and Torts, referring to the goals of the substantive law to better understand the remedial law. It explores the law of damages in both Contracts and Torts and covers topics such as: restitutionary damages; probabilistic recoveries; offsetting benefits and offsetting risks; liquidated damages; damages for pure economic losses; and damages for severe bodily injury and death. 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. Finally, the course explores a new topic, recently identified and developed in scholarly writings, which is "Aggregation of Claims." Corequisites: Torts, Contracts.

Winter - Porat, Ariel

### **Retail Law and Transactions**

LAWS 81024 - 01 (2 TO 3)

This seminar addresses the principal legal issues and commercial challenges facing the retail sector. Particular attention will be paid to relations with vendors and other third-party business associates, and customers, the effect of the evolving economy on these relations, and the challenges and opportunities brought about by globalization, technology, social media, and e-commerce. Students will develop an understanding of key corporate, IP, contracting, sourcing, regulatory and other legal issues and practice pitfalls. The instructors will emphasize the practical interplay and tension between commercial realities and legal requirements, and strive to demonstrate the increasing professional burdens and responsibilities to which "in-house" counsel are subject. At times, the instructors will use a case-study format to emphasize identification and resolution of key issues and risks experienced by retailers, as well as to highlight examples of retailers both thriving and struggling to adapt to change. The instructors also will use actual contracts, retailer policies and practices, litigation materials and internal-investigation documents. The class will participate in multiple role-playing scenarios, including

contract negotiations and a crisis management reenactment. Final grade will be based on: substantial out of classroom work, group projects.

Spring - Zarfes, David; Bangs, Tony; Avratin, Joshua; Lutz, Nathan

### **Roman Law**

LAWS 53137 - 01 (3)

The seminar develops skill in analyzing legal problems according to the processes of the Roman civil law, in contrast with those of the common law, and does not purport to give a comprehensive treatment of its detailed workings. The material provides an outline of the sources and procedure of Roman private law, followed by an examination of the Roman institutional system, the basis of most modern civil law codes. Particular emphasis is given to property and to obligations (contracts and torts). No knowledge of Latin is required for the seminar. This class will be assessed via a series of short research papers. Because this is a 1L elective, it will be graded on the curve usually applied to courses (as all 1L electives are) and will not count against the seminar limit.

Spring - Epstein, Richard

### **Secured Transactions**

LAWS 42201 - 01 (3)

This course deals with the many legal issues that come into play when there are collateralized loans for which the collateral is personal property. Students focus on Article 9 of the Uniform Commercial Code, the Bankruptcy Code, and other related laws. This form of lending is central to our economy, and the applicable legal doctrines are ones that every corporate and commercial lawyer should firmly grasp. The course is a useful, though not absolutely essential, preparation for Bankruptcy and Reorganization: The Federal Bankruptcy Code (LAWS 43234). The student's grade is based on a proctored final examination.

Autumn - Picker, Randal

### **Secured Transactions**

LAWS 42201 - 01 (3)

Secured lending is central to our economy, and the applicable legal doctrines are ones that every corporate and commercial lawyer should grasp. Focusing primarily on Article 9 of the Uniform Commercial Code, students will learn about different forms of collateral, how security interests are created and perfected, and the remedies available to secured lenders. This course is a useful preparation for Bankruptcy and Reorganization courses, and will be worthwhile for students contemplating private practice in corporate, commercial finance or bankruptcy/workout groups. Grades will be based on a final examination. Open to MBA students.

Winter - Casey, Erin

**Securities Litigation and Enforcement**

LAWS 42403 - 01 (3)

This course is about misbehavior relating to stocks, bonds, and other financial instruments. We examine the complex substance and procedure of private civil litigation, SEC enforcement actions, and Department of Justice criminal prosecutions. Topics include corporate fraud, Ponzi schemes, insider trading, and market manipulation. While this course has no prerequisites or corequisites, a background in Securities Regulation is helpful and the two courses are complementary. Both courses study the Securities Act of 1933, the Securities Exchange Act of 1934, and subsequent statutes, administrative rules, and case law. However, one course (Regulation) focuses on how to raise money lawfully, whereas the other (Litigation) addresses the consequences for acting unlawfully. This course is of natural interest to future civil litigators, prosecutors, and white-collar criminal defenders. Transactional and in-house attorneys will also benefit from understanding a body of law that is of immense personal interest to the executives they advise. Student grades will be based primarily on a 3-hour in class examination.

Autumn - Verstein, Andrew

**Securities Regulation**

LAWS 42401 - 01 (3)

This course examines the federal statutes and administrative regulations governing the issuance and sale of securities in the United States. We will cover the registration and distribution of securities by issuers, such as through initial public offerings and private placements; exemptions from registration requirements, such as those used by private equity and hedge funds; federal disclosure obligations, such as quarterly reports and proxy filings; and theories of liability for securities violations, such as insider trading and fraud. The student's grade will be based primarily on a final in-class examination but valuable class participation may also be taken into account.

Autumn - Birdthistle, William

**Securities Regulation**

LAWS 42401 - 01 (3)

We will examine in detail the law regulating the issuance and sale of securities (that is, stocks, bonds, and other financial instruments) in the United States. Topics will include: initial public offerings (IPOs), the regulation of stock exchanges, private placements of stock, securities fraud litigation, and the regulation of broker-dealers. Booth Students may petition to register for this class without instructor consent.

Winter - Henderson, M. Todd

**Selected Topics in Conflict of Laws**

LAWS 53389 - 01 (2)

This seminar will examine the legal framework for the resolution of interstate conflict of laws within the U.S., focusing on the choice of law principles that courts apply to determine the rule of decision in cases where the relevant parties, conduct or transactions have connections to more than one state. Topics include the traditional and modern approaches to choice of law; federal constitutional limitations on choice of law; conflict of laws in the federal system, and the role of international conflict of laws rules on the domestic enforcement of foreign judgments, among other topics. There are no prerequisites for this seminar. Student grades are based on a 3 hour in-class final exam.

Autumn - Abebe, Daniel

**Strategic Considerations in Securities and Corporate Governance Litigation**

LAWS 53395 - 01 (2)

This seminar will introduce students to the most important strategic considerations that lawyers encounter in today's highly sophisticated financial services litigation. The litigators (and corporate lawyers) who concentrate in this area must function in an environment where the stakes are high, leverage is critical, and "victory" is defined by the client, not the court. Accordingly, this seminar examines the critical questions faced in virtually every financial services litigation matter including: (1) which is the most favorable venue for this litigation, including consideration of how legal principles vary jurisdiction by jurisdiction; (2) how does Directors and Officers Liability insurance impact the litigation, itself; (3) strategic considerations relating to the composition of the board and use of special litigation committees; (4) how dispositive motions can be used to, at a minimum, best frame and limit the litigation; (5) how derivative and class certification mechanisms can be used to narrow or defeat claims; (6) how to use the timing and positioning of mediation to produce a favorable result for the client; (7) who of your pool of potential experts should be identified, on what topics, and when to maximize chances of success; and (8) what is jury research and what role does it play in making thematic and settlement decisions. To further the student experience, we will supplement our sessions by bringing some of the nation's top practitioners in fields like jury research, D&O insurance, mediation and/or damage analysis to share their years of expertise drawn from real world situations. Grading will be based on class participation and two relatively short papers (under 10 pages) which will focus on discrete topics covered in class and in the reading assignments. Each paper will count for approximately 30% of your grade, and the remaining 40% will be based on class participation.

Spring - Feirson, Steven; Jacobsen, Joni

**Strategies and Processes of Negotiation**

LAWS 81002 - 01 (3)

Increasingly negotiation is part of the day-to-day life of managers. The aim of this class is to make students more effective negotiators. Students should leave the class with (1) a structured approach for preparing for and thinking about negotiations; and (2) a refined set of skills for carrying out negotiations. A central part of the class is an extensive set of negotiation simulations. These simulations take students through a variety of negotiations: single and multiple issue; two-negotiator and multiple-negotiator (coalitional); and internal (within organization) and external. In addition, the class includes a number of cases. Lectures, readings, and structured analytical exercises supplement the simulations and cases. Final grade will be based on substantial out of classroom work, group projects.

Winter - Wu, George

**Structuring Financial Instruments**

LAWS 53223 - 01 (2 TO 3)

This seminar introduces tax, legal, accounting and economic principles relevant to the structuring of complex financial instruments—from forwards, swaps and options to convertible bonds and other securities with embedded derivatives. Throughout the seminar, different products designed to achieve similar economic goals will be examined to highlight the significance of structuring choices and the range of techniques available. For example, there are various products that can be used to approximate the economics of buying an asset, without an actual purchase of that asset. The seminar will examine how these products are treated differently for tax, securities law, commodities law, bankruptcy, accounting and other purposes, notwithstanding their economic similarity. Students will develop the ability to optimize transactions by selecting among existing financial instruments or inventing new ones. The seminar will also include discussion of policy issues. No specific prerequisites, but introductory income tax recommended, and knowledge of securities law and bankruptcy law helpful. The seminar will be assessed via a) a series of reaction papers (2 credits) or b) via a full-length research paper (3 credits). Class participation and attendance will be considered.

Spring - Sussman, Jason

**Structuring Venture Capital, Private Equity, and Entrepreneurial Transactions**

LAWS 43225 - 01 (3)

This course covers tax, legal, and economic principles applicable to a series of interesting, complex, current entrepreneurial transactions, utilizing venture capital or private equity financing, including (1) new business start-up, (2) growth-equity investment in existing business enterprise, (3) leveraged buyout of private or public company (including going-private transaction), (4) use of both double-tax C corporations and flow-through single-tax S corporations, partnerships, or LLCs for variety of venture capital or private equity financed transactions, (5) devising

equity-based executive compensation program, (6) private equity financed restructuring or workout (in or out of bankruptcy) for troubled over-leveraged enterprise and utilizing troubled company's NOL post restructuring, (7) exit scenarios for successful venture capital or private equity financed enterprise (such as IPO, series of SEC rule 144 stock sales, sale of company, or merger of company into larger enterprise), and (8) forming venture capital, LBO, or private equity fund.

Substantive subjects include federal income tax, federal securities regulation, state corporate, partnership, and LLC law, federal bankruptcy law, state and federal fraudulent conveyance law, and other legal doctrines, as well as accounting rules (executive compensation and acquisition accounting) and practical structuring issues (including use of common and preferred stock, subordinated or mezzanine debt, convertible debt and preferred stock, warrants, options, and substantial-risk-of-forfeiture stock), all reviewed in a transactional context, and with discussion of their policy underpinnings and likely future evolution.

No specific prerequisites, but introductory income tax strongly recommended, entity taxation desirable, and knowledge of corporate law, securities regulation, bankruptcy, and accounting helpful. However, the course book and the course book appendix contain adequate discussion and supplemental material so that the student can (with careful reading) adequately comprehend these topics. The grade is based on a final in-class examination. Instructor consent is not required for this course.

Spring - Levin, Jack; Rocap, Donald

### **Tax Policy**

LAWS 55801 - 01 (2 TO 3)

This seminar explores fundamental concepts underlying tax policy, with a special emphasis on the economic implications of tax rules and design elements. The topics covered include the choice of tax base (income vs. consumption vs. wealth), the effectiveness of tax law as a redistributive mechanism, the use of tax tools to correct externalities, and the role of tax expenditures. Each student will work toward a final project that applies insights from the course to a question of tax policy.

Spring - Rozema, Kyle

### **Technology Policy**

LAWS 53287 - 01 (2)

This seminar will look at a mixture of old and new materials on technology and the law, with a special focus on the intersection of antitrust and intellectual property.

See the syllabus at [picker.uchicago.edu/seminar/Syllabus.htm](http://picker.uchicago.edu/seminar/Syllabus.htm)

Winter - Picker, Randal

**Telecommunications and Internet Law**

LAWS 43214 - 01 (3)

This is an introductory course looking at the regulatory regimes in the U.S. that apply to telephony (both wireline and wireless) and the infrastructure of the Internet. In particular, this course will explore the legal and policy history behind such regulation and the difficulty of classifying new technologies and applying the existing regulatory regimes to new technologies, including the on-going discussion between the FCC and the courts regarding net neutrality. This course will not cover mass media regulation (broadcast television and radio, or cable television). Grades will be based upon class participation, a few short reaction papers, and a final take home exam.

Autumn - Neal, Joan

**The Board of Directors**

LAWS 81114 - 01 (2 TO 3)

In this seminar, we will simulate nine meetings of a board of directors of a hypothetical company. Students will act as board members. Each week, the board will face a discrete issue of corporate governance. Students will take turns acting as the chair of the board, leading the board of directors through a discussion of the issues. The board will have one week leading up to each class to do legal and other research, to communicate amongst each other and with external stakeholders (played by the professors), and to prepare a presentation for the board and the CEO. The chair will present the case and run the meeting. The course will focus on the normal functioning of United States publicly listed companies, as well as on the duties of directors in times of crisis or significant change to the corporation. Grades will be based on class participation. Prerequisite: Business Associations/Corporate Law.

Winter - Henderson, M. Todd

**The Chicago Journal of International Law**

LAWS 94130 - 01 (1, 1, 1)

The Chicago Journal of International Law, a biannual student-edited journal, is the Law School's newest journal. It publishes short Comments and articles by students and scholars on matters of international law and foreign affairs. Students gain access to participate as a staff member via the Write-on Competition or via the Topics Access process. Each student is paired with a faculty member who supervises the writing of the comment. Students may receive three credits for their work in writing the comments. The comments may also satisfy the SRP graduation requirement. Please see the Student Handbook for additional details regarding the competition, credits, and the SRP. For more information on the journal, please visit [cjl.uchicago.edu](http://cjl.uchicago.edu).

Autumn, Winter, Spring - Abebe, Daniel

### **The Constitution Goes to School**

LAWS 43205 - 01 (3)

This course will examine how the Supreme Court's constitutional opinions have both shaped and misshaped the nation's public schools. In 1969, the Supreme Court famously declared that students do not "shed their constitutional rights when they enter the schoolhouse gate." Not surprisingly, though, Supreme Court Justices both before and since have bitterly contested the precise scope of students' constitutional rights in the elementary and secondary school contexts. Some Justices, moreover, have concluded that it is typically unwise for the judiciary to enter the educational realm, lest the Supreme Court turn into a schoolboard for the entire nation. Even if such fears are overblown, however, there can be no doubt that the Court's constitutional interpretations have had significant consequences for schools charged with transforming students into citizens. Constitutional topics will include: freedom of speech, establishment of religion, free exercise of religion, searches and seizures, cruel and unusual punishment, due process, and equal protection. Educational topics will include: homeschooling, zero tolerance policies, corporal punishment, school funding, school uniforms, racial desegregation, strip searches, single-sex schools, off campus speech, drug testing, unauthorized immigration, the school-to-prison pipeline, and book banning. There are no prerequisites for enrollment. The student's grade is based on a take-home final examination and class participation.

Spring - Driver, Justin

### **The Constitutional Rights of Minors from the Minors' Point of View**

LAWS 53382 - 01 (2)

In this seminar, a small number of law students will collaborate with Professor Buss in teaching a course to high school students from the Woodlawn Charter School (and also possible from the Laboratory Schools) on students' constitutional rights in school. Each class will focus on a different case and related doctrine, and will engage the high school students in a discussion of a scenario that asks them to apply the doctrine to new facts. Topics will include student speech and religious exercise, drug testing and locker searches, procedural rights in the context of disciplinary actions, and race and gender discrimination, among others. Before each class students will read an edited version of a Supreme Court case and will prepare to discuss a case study. After each class the high school students will write a brief reflection piece. Each law student will be paired with two high school students, and will interact with those students in and out of class. Law students will check in with the high school students to assist with class preparation, and will review and comment on the students' reflection pieces. During class, law students will help facilitate the small group discussions. Law students will also submit brief weekly reports of their students' class participation and their out-of-class interactions. At some point in or after the quarter (the timing will be at the law students' discretion, within the time frame permitted under the school's paper

policy), Law Student's will write a paper that discusses one of the topics we have covered, and that particularly draws on the high school students' perspective, shared in and out of class, to develop a theme relevant to the doctrine in question.  
Winter - Buss, Emily

### **The Interbellum Constitution: Union, Commerce, and Slavery in the Early 19th Century**

LAWS 53282 - 01 (2 TO 3)

This seminar examines the legal and intellectual history of debates concerning American constitutional law and politics between the War of 1812 and the Civil War, approximately 1815 to 1860 -- the troubled adolescence of the new nation. Topics to be discussed include commerce, internal improvements, the market revolution, federal regulation of slavery in the territories, the role of the federal courts, and the development of national culture. Final grade will be based on: a major paper and class participation.

Spring - LaCroix, Alison

### **The Law and Ethics of Lawyering**

LAWS 53102 - 01 (3)

This seminar, which satisfies the professional responsibility requirement, will consider ethical problems in the practice of law. We will work with a problem-oriented casebook and the ABA Model Rules. A substantial part of our class time will be devoted to the discussion of ethical dilemmas that have actually arisen in practice. Throughout the seminar there will be running as a kind of background to our discussions, some consideration of the question of just what motivates lawyers to be ethical when they are ethical. Topics will include lawyer liability, confidentiality, relationships between lawyers and clients, conflicts of interest, and lawyers' duties to courts, adversaries, and third persons. Enrollment will be limited to 20. Students will be evaluated on the basis of participation, a series of short written assignments, and an in-class final exam. Attendance is mandatory.

Winter - Remington, Clark

### **The Roberts Court**

LAWS 50312 - 01 (3)

Co-taught by Professor Lee Epstein and Mr. Adam Liptak (Supreme Court correspondent of the New York Times) with Judge Richard A. Posner and Professors Dennis Hutchinson and William M. Landes also participating, this course will examine the contemporary Supreme Court. Topics include the Court's membership; its procedures for selecting cases for review; the role of lawyers, law clerks, and journalists; and doctrinal developments in several areas of the law.  
Winter - Epstein, Lee; Liptak, Adam; Posner, Richard; Hutchinson, Dennis; Landes, William

**The Social and Legal Construction of Race**

LAWS 53216 - 01 (2)

This seminar will examine the role of law in creating and recreating race in our decidedly non-post-racial society. Topics covered will include racial identity, reproduction, and criminal justice. Readings will include cases to understand the “law on the books;” law review articles to understand how legal academics interact the law and its implications; and social science research to understand “law in action.” Final grade will be based on: a major paper, a series of short reaction papers, class participation.

Spring - Baldwin Clark, LaToya

**The University of Chicago Law Review**

LAWS 94110 - 01 (1, 1, 1)

The Law Review publishes articles and book reviews by leading scholars along with Comments written by students. In addition to participating in the editing and publication of legal scholarship, staff members have the unique opportunity to develop their own skills as writers and scholars. Students gain access to participate as a staff member via the Write-on Competition (which includes a Grade-on component) or via the Topics Access process. Each student is paired with a faculty member who supervises the writing of the comment. Students may receive three credits for their work in writing the comments. The comments may also satisfy the SRP graduation requirement. Please see the Student Handbook for additional details regarding the competition, credits, and the SRP. For more information on the Law Review, visit [lawreview.uchicago.edu](http://lawreview.uchicago.edu).

Autumn, Winter, Spring - Abebe, Daniel

**The University of Chicago Legal Forum**

LAWS 94120 - 01 (1, 1, 1)

The Legal Forum is the Law School’s topical law journal. Its student board annually publishes a volume of articles (by academics and practitioners) and Comments (by students) that focus on a single area of the law. Each fall the Legal Forum hosts a symposium at which the authors of the articles present their work. Students gain access to participate as a staff member via the Write-on Competition or via the Topics Access process. Each student is paired with a faculty member who supervises the writing of the comment. Students may receive three credits for their work in writing the comments. The comments may also satisfy the SRP graduation requirement. Please see the Student Handbook for additional details regarding the competition, credits, and the SRP. For more information on the Legal Forum, please visit [legal-forum.uchicago.edu](http://legal-forum.uchicago.edu).

Autumn, Winter, Spring - Abebe, Daniel

**Topics in State and Local Finance**

LAWS 53193 - 01 (2)

This seminar looks at a variety of fiscal challenges facing state and local governments, and at the legal constraints on politically attractive solutions to these challenges. In past years, topics have included educational funding, pension funding, "welcome stranger" property tax assessment, eminent domain, and municipal bankruptcy. Final grade will be based on a series of short reaction papers.

Spring - Roin, Julie

**Trademarks and Unfair Competition**

LAWS 45701 - 01 (3)

The course covers federal and state doctrines governing trademarks, domain names, and geographical indications; state law unfair competition doctrines; trademark dilution; publicity rights; and federal registration of trademarks. The student's grade is based on a final take home examination.

Winter - Ben-Shahar, Omri

**Transnational Litigation and Arbitration**

LAWS 53315 - 01 (2)

This seminar will examine some of the practicalities of litigating cases with transnational elements in U.S. courts, and their implications for fairness, access to justice, and international comity. Litigation involving foreign parties, foreign laws, or a foreign situs is now part of the day-to-day work of the federal judiciary, large law firms, and international organizations. We will explore the interaction between federal courts and foreign sovereigns, the background influence of different procedural rules, as well as the growth of commercial arbitration in this context. One important example that we will cover is the series of cases in the Second Circuit involving Argentina. For more than ten years, Judge Griesa of the Southern District of New York became a quasi-ruler of a foreign nation. We will evaluate the implications of this case, and others like it, for cross-border commerce and U.S. law. Our discussions will cross between theory and practice, but we will focus on the actual concerns lawyers deal with in these cases. To that end, we will have guest speakers from large law firms. In order to reflect the materials used by academics and practitioners in "real life," I am assigning full law review articles and unedited cases. We will meet eight times over the course of the quarter. I am looking forward to getting to know each of you better over the course of the semester. I hope our conversations together are casual and collaborative. Students will be evaluated based on class participation and a series of reaction papers (two credits).

Spring - Zambrano, Diego

### **Trial Advocacy**

LAWS 81010 - 01 (2 TO 3)

This class will focus on the trial phases of civil litigation. Simulated trial problems designed to promote knowledge of the litigation process and to afford individual experience in selected phases of trial practice will be employed to familiarize students with pragmatic tactical issues and solutions. Written trial materials will be used and instruction will be by lecture, demonstration, and exercise (including a mini-trial). Students who have taken the Intensive Trial Practice Workshop (LAWS 67503) may not take Trial Advocacy (LAWS 67603). An understanding of the Federal Rules of Evidence is preferred but not a prerequisite. Final grades will be based on class participation, performance during courtroom exercises and the mini-trial, and one or more written assignments. Enrollment is limited to 16 students.  
Spring - Cohen, Jay

### **Trusts and Estates: Wealth Management and Transmission**

LAWS 45211 - 01 (3)

This course examines the law and practice of private wealth management and transmission, typically within the family and often across generations. Among the topics covered are: (1) the policy basis of inheritance and the changing character of intergenerational wealth transfer; (2) intestate succession; (3) the evolving definitions of "spouse" and "child" and their effect on the interpretation of wills and trust instruments; (4) the execution and revocation of wills; (5) the rise of will substitutes, including revocable trusts, life insurance, and pension and retirement accounts; (6) the substantive rules of construction governing probate and nonprobate transfers; (7) spousal protection against disinheritance; (8) the creation, modification, and termination of trusts; (9) the particular rules applicable to charitable trusts; (10) the fiduciary duties of trustees, the principles governing trust investments, and the emerging use of directed trusts; (11) the nature of a beneficiary's interest in trust, the range of the trustee's discretion, and the rights of a beneficiary's creditors, with special reference to discretionary, spendthrift, and asset protection trusts; and (12) the substantive provisions of wills and trust instruments, with attention given to recurring problems of interpretation. The provisions of the Uniform Trust Code, Uniform Probate Code, and other uniform laws will be emphasized.

Autumn - Gallanis Jr, Thomas

### **U.S. Supreme Court: Theory and Practice**

LAWS 50311 - 01 (3)

This seminar will provide an in-depth look at the U.S. Supreme Court, with particular emphasis on the skills required to practice successfully in that forum. Students will not only discuss the Court as an institution, but they will also hone skills needed to navigate the certiorari process and to brief and argue before the Court. In addition to class participation, students will be graded on a legal brief

(generally 15-25 pages in length) and on their performance in a moot court.

Students interested in enrolling should email Mr. Scodro

(mscodro@mayerbrown.com) and Professor Konsky (konsky@uchicago.edu), on or before September 1, a resume and short statement of interest explaining why they would like to enroll in the seminar. Students will be informed of their enrollment status by September 5.

Autumn - Konsky, Sarah; Scodro, Michael

### **U.S. Taxation of International Transactions**

LAWS 44601 - 01 (3)

This course provides a survey of the US tax treatment of both inbound (foreign investment in the US) and outbound (US investment abroad) transactions. Though the principal focus of the class is on the US tax rules, some attention is paid to the interaction between US and foreign tax systems through the operation of the tax credit and tax treaties. Introductory Income Tax is a recommended prerequisite. Students' grades will be based on a three-hour examination.

Winter - Roin, Julie

### **Wine Law**

LAWS 53318 - 01 (2 TO 3)

Wine raises a host of national and international regulatory issues, from importing to trademarks to constitutional federalism. This seminar will work through the basics of Wine law in the United States, with a section on relevant international issues as well. Final grade will be based on: a major paper, a series of short research papers, class participation.

Winter - Ginsburg, Thomas

### **Women's Human Rights in the World**

LAWS 53380 - 01 (2)

This seminar examines women's human rights from a global comparative perspective. We will explore the concept of substantive equality under international law through a focused inquiry into three areas of women's human rights – violence, reproduction and political participation. We will discuss the evolution of these rights, variations in state interpretation and implementation, and the social, economic, political and cultural factors that impact their realization. Each student is required to write a series of reaction papers throughout the quarter. Grades will be based on these papers as well as class participation.

Spring - Flores, Claudia

### **Work Law in the New Economy**

LAWS 53296 - 01 (2)

This seminar focuses on how labor law is adapting (or failing to adapt) to changes in the New Economy workplace. It touches on a number of themes. First, it looks at

changes in the employment relationship and their implications for labor law and collective organizing. The rise of flexible or “gig” employment in the past decade and movement away from internal labor market job structures and the assumption of long-term, single-firm employment invites broader inquiry into the framework of labor regulation, including collective bargaining law, employer-sponsored benefits, and the social safety net. The seminar examines these changes as well as their broader implications. Second, the seminar considers how the labor law has accommodated the changing dynamics of employment contracting over time as they have differentially impacted women and minorities’ experience at work and access to economic opportunities. Finally, the seminar explores the role of law in income inequality more broadly. This section studies the impact of labor regulation on income inequality as well as other elements of our regulatory regime. The seminar will meet weekly, with readings to be assigned. Students will be required to write brief response pieces to four of the weekly readings, and to prepare a research paper on a topic to be selected in consultation with the instructor.

Spring - Hafiz, Hiba

**Workshop: Constitutional Law**

LAWS 63612 - 01 (1, 1, 1)

This workshop, conducted over three sequential quarters, exposes students to current academic work in constitutional law and theory and other areas of public law. Workshop sessions are devoted to the presentation and discussion of papers from outside speakers, at six to eight sessions to be conducted regularly throughout the academic year. Enrollment may be limited. This workshop may be taken for fulfillment of the Substantial Research Paper graduation requirement. Grading is based on a substantial paper (or two shorter papers) plus brief reaction papers on each of the workshop papers. As an alternative to writing a long paper, you may write two or more extended reaction papers (i.e., 10-12 pages) to the papers presented in the workshop. You have to get our approval in advance for this option. We encourage it if you find that you have a lot to say about some of the workshop papers. If you wish to receive Writing Project %% credit for this option, you must submit a draft of each of the two long response papers to us and satisfactorily incorporate our suggestions.

Autumn, Winter, Spring - Huq, Aziz; Driver, Justin

**Workshop: Judicial Behavior**

LAWS 63812 - 01 (1, 1, 1)

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

present their work. The Workshop is limited to twenty law students; interested students should contact Prof. Landes (w-landes@uchicago.edu) by the start of Autumn quarter 2017. It will meet seven times over the course of the academic year.

Autumn, Winter, Spring - Epstein, Lee; Landes, William; Posner, Richard; Easterbrook, Frank; Hutchinson, Dennis

### **Workshop: Law and Economics**

LAWS 66012 - 01 (1, 1, 1)

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 faculty. In addition to workshop sessions, which occur approximately every other week, there will be discussion sessions, which will serve as opportunities for students to engage in in-depth, informal discussion of topics in law and economics with the instructor. This workshop does not require a research paper, but students interested in academic writing in law and economics are encouraged to use this workshop to develop their ideas. Grading is based on the completion of a series of reaction papers. Students enrolled in the workshop receive three credits; one in Autumn, one in Winter, and one in Spring.

Autumn, Winter, Spring - Ben-Shahar, Omri; Hubbard, William

### **Workshop: Law and Philosophy**

LAWS 61512 - 01 (1, 1, 1)

The theme for 2017-18 is "Animal Rights and Environmental Ethics." About half of the sessions will discuss philosophical and legal issues related to animal rights, and the other half will discuss issues of environmental ethics, focusing on the ethics of climate change. This is a seminar/workshop many of whose participants are faculty from various related disciplines. It admits approximately ten students. Its aim is to study, each year, a topic that arises in both philosophy and the law and to ask how bringing the two fields together may yield mutual illumination. Most sessions are led by visiting speakers, from either outside institutions or our own faculty, who circulate their papers in advance. The session consists of a brief introduction by the speaker, followed by initial questioning by the two faculty coordinators, followed by general discussion, in which students are given priority. Several sessions involve students only, and are led by the instructors. Students write a 20-25 page seminar paper at the end of the year. The course satisfies the Law School Substantial Writing Requirement. Students must enroll for all three quarters to receive credit. Students are admitted by permission of the two instructors. They should submit a c.v. and a statement (reasons for interest in the course, relevant background in law and/or philosophy) to the instructors by e mail

by September 20. Usual participants include graduate students in philosophy, political science, and divinity, and law students.  
Autumn, Winter, Spring - Nussbaum, Martha

**Workshop: Legal Scholarship**

LAWS 68711 - 01 (3, 1, 2)

This workshop may be taken for a full year as a course (every other week in W and S) or only in the fall quarter as a seminar. It is open to all students, including JSDs and LL.Ms. Students registered for the full year are required to either write a paper of publishable quality or revise a previously written paper for publication. The goal is to prepare students for the academic job market or continuing with SJD studies. Special attention is paid to topic selection, how to approach working on an original (not synthetic) project, and presentation skills. Students enrolled for the year will be expected to conduct themselves as they would if they were junior faculty members at a top law school, reading and commenting on the work of their peers. Optional lunches to discuss writing will be held throughout the year in the same format as the Faculty Round Table. The goal is to create a learning community that will provide students with the type of scholarly atmosphere the faculty here enjoys. There will be meetings on average every other week during Winter and Spring Quarters. The fall quarter only option is designed for several audiences: (1) students who want to decide if an academic career is for them; (2) students who wish to improve their skills as a public speaker; (3) students who want to improve their skills of critique while reading papers from a wide variety of subject areas; (4) and students who simply enjoy arguing about the law. Each week a young scholar present works-in progress and students play the role of the faculty in a faculty workshop. The class and the professor then provide feedback and suggestions to the presenter on aspects of both presentation style and the substance of the paper. The FALL ONLY version is graded on the basis of short reactions papers and class participation. The full year version may fulfill the WP or the SRP. Graduate students may register. College students will require instructor permission. Credits for this Workshop: Autumn quarter: 3 Winter quarter: 1 Spring quarter 2  
Autumn, Winter, Spring - Bernstein, Lisa

**Workshop: Public Law and Legal Theory**

LAWS 63402 - 01 (1, 0 TO 1, 0 TO 1)

Working from a variety of methodological orientations, the workshop examines questions arising at the intersections of public law, legal theory, and interdisciplinary work in law and the social sciences, with an emphasis on politics, legal history, and legal theory. Sessions are devoted to the presentation and discussion of papers by faculty members from other institutions. Students must enroll for the entire year and will receive one pass/fail credit applied to the spring quarter. The credit may be reallocated. Students are required to read the papers,

attend the workshop, ask questions, and to post questions to the online discussion board.

Autumn, Winter, Spring - Masur, Jonathan; Helmholz, Richard; Chilton, Adam; Hemel, Daniel; Lakier, Genevieve

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

LAWS 63312 - 01 (1, 1)

This workshop exposes students to recent academic work in the regulation of family, sex, gender, and sexuality and in feminist theory. Workshop sessions are devoted to the presentation and discussion of papers from outside speakers and University faculty. The substance and methodological orientation of the papers will both be diverse.

Winter, Spring - Case, Mary Anne

### **World Bank Practicum**

LAWS 53376 – 01 (3)

This practicum involves preparing memoranda on various issues for the Legal Department of the World Bank under the supervision of Professor Ginsburg. Students work in small teams to analyze an array of policy and legal issues. Past topics have ranged from an analysis of sovereign wealth, to lending in post-conflict zones, to a study of remedies. The course is limited to a small number of students each quarter.

Autumn, Winter, Spring – Thomas Ginsburg

### **Writing and Research in the U.S. Legal System**

LAWS 53266 – 01, 02 (3)

In this seminar, international LLM students learn research and writing skills essential to the practice of U.S. law. Students learn how to use these skills to win arguments, persuade clients and sharpen their own thinking. We discuss and practice the major principles of legal writing in plain English - no jargon, no legalese. The class functions largely as a workshop where we apply multiple research techniques and analyze the impact of various writing styles. Students meet individually with the instructor throughout the course. Regular class attendance is mandatory. Students must complete all assignments before the take-home examination, which determines the student's grade. This class is open only to LLM students and satisfies the legal research and writing prerequisite for the New York Bar exam.

Autumn, Winter - Duquette, Elizabeth; Schilt, Margaret

### **Writing for the Judiciary**

LAWS 53391 - 01 (3)

This seminar is designed to closely replicate the actual responsibilities of a law clerk to a United States Supreme Court Justice. The first class will take the form of

an interview. Prospective clerks will face a range of questions designed to test their approach to statutory and constitutional interpretation while gauging their familiarity with pending, recent, and seminal cases. (You will all be hired!) In subsequent classes, clerks will: (1) circulate and review cert-pool memos for actual, pending petitions for writs of certiorari. These memos help the full Court determine which cases to hear on the merits; (2) review merits briefs and write a bench memo to assist your Justice at oral argument and at Conference (where the Justices meet to resolve argued matters); (3) draft a judicial opinion assigned to your Justice (which may well entail a judgment or legal reasoning the clerk does not agree with); and (4) lead class discussion and debate for the cert-pool and merits cases for which the clerk took primary responsibility. Over the course of the seminar, each clerk will write three cert-pool memos, one bench memo, and one opinion. The seminar is aimed at students who have or seek a state or federal clerkship and those with a possible interest in clerking for a U.S. Supreme Court Justice. A firm background in constitutional law is strongly recommended, and your open-minded Justice seeks applicants with a wide array of political and jurisprudential perspectives. Grades will be based on a combination of draft opinions, class participation, cert-pool memos, and bench memos. Students may only enroll with the permission of the instructor.  
Spring - Keller, Ashley

### **Young Center Immigrant Child Advocacy Clinic**

LAWS 90211 - 01 (1 TO 3, 1 TO 3, 1 TO 3)

The Young Center for Immigrant Children's Rights gives students the unique opportunity to work one-on-one with unaccompanied immigrant children who come to the United States without a parent or legal guardian to flee violence, abuse, and/or poverty. Students in the clinic draw upon international human rights law, immigration law, and children's rights, and child welfare law to support their advocacy. Unaccompanied immigrant children come to the U.S. from all corners of the world, on their own. They are apprehended, typically at the U.S./Mexico border, then detained and placed in deportation proceedings. Students serve the most vulnerable of these children, advocating for the best interests of each child on issues relating to care, custody, release, legal relief, and safe repatriation. Because there is no federal law that affords special protections to immigrant children, students enlist state child welfare laws and international human rights instruments to support their advocacy. The Clinic also offers opportunities in legislative and policy advocacy aimed at reforming the immigration system to better protect the rights of children. Each student is trained to serve as federally-appointed Child Advocate (similar to a guardian ad litem role) for unaccompanied immigrant children detained in the Chicagoland area. Students meet weekly with the child, and advocate on behalf of the child with federal officials, including ICE officials, immigration judges, and asylum officers. The Clinic admits both 2Ls and 3Ls. We strongly encourage enrollment in the Fall Quarter, and recommend taking this

course for at least two quarters. We do not require students to speak a language other than English, but we encourage students who speak Spanish, French, Mandarin, Romanian, or American Sign Language to apply. Students who enroll in the clinic must: 1. Participate in a 2-day training in October 2017; and 2. Participate in weekly class meetings throughout the course. Please contact the clinicians below if you have any questions, or would like to request an accommodation: Jajah Wu at [xjwu@theyoungcenter.org](mailto:xjwu@theyoungcenter.org), Kelly Kribs at [kkribs@theyoungcenter.org](mailto:kkribs@theyoungcenter.org), Marcy Phillips at [mphillips@theyoungcenter.org](mailto:mphillips@theyoungcenter.org), or Maria Woltjen at [mwoltjen@theyoungcenter.org](mailto:mwoltjen@theyoungcenter.org). For more information, visit [www.theYoungCenter.org](http://www.theYoungCenter.org)  
Autumn, Winter, Spring - Wu, Jajah; Woltjen, Maria; Phillips, Marcy; Albinak, Kelly

