

Special Topics Course Descriptions Fall 2023

Abolish the Criminal Legal System? A Colloquium.

Pre/Corequisite: Criminal Procedure

Recommended Class(es): None

This course will examine recent scholarly work on the abolition of the carceral system. Each week we will read a different author's work and then will speak directly with that author. Topics will include: the foundation of abolitionism, abolition and racial justice, police abolition, prison abolition, abolition skepticism, and alternatives to incarceration. Students must be prepared to read complex scholarly articles and to contribute critical thoughts and questions in every class. The evaluation will be based on response papers.

Adv LLW - LLM Intensive

Pre/Corequisite: None

Recommended Class(es): None

This intensive, two credit, one semester course provides international graduate students with advanced instruction in research, writing, and lawyering skills within the context of the U.S. legal system. Work is introduced as it arises in legal practice, with discussion of litigation and non-litigation strategies. Weekly work includes principles of case reading, statutory interpretation, and legal analysis, advanced methods and skills for letter, memoranda, litigation document, and appellate brief writing and research and citation methods and skills through in-class instruction and ongoing and progressively longer and more complex assignments. Assignments and simulations expose students to fact gathering, interviewing, negotiation, litigation and non-litigation strategies, appellate oral and written strategy, practice and advocacy, and approaches to reflective legal practice. Special emphasis is placed on language structure, usage, and communications' needs. All assignments are returned with extensive written comments, which are supported by periodic individual faculty-student conferences. Considerations of legal ethics, plagiarism, and diversity, equity and inclusion issues are integrated throughout the curriculum.

The course provides small group and individual instruction, and interactive teaching methods to promote active participation and learning by students.

Enrollment in this course is by permission only.

Cannabis Law

Pre/Corequisite: None

Recommended Class(es): None

This course will explore the unique legal issues facing the burgeoning legal cannabis market throughout the United States. Cannabis – which remains illegal federally but is currently legal in 37 states and Washington D.C. – presents interesting questions of federalism, constitutional law, administrative law and other disciplines. At the same time, the legal cannabis industry is seeking to promote equitable

policies that promote social justice and criminal reform for those individuals and families that were adversely affected by the failed War on Drugs. As such, practitioners are often required to navigate complex legal and regulatory regimes while their clients have limited access to banking and capital resources. The course will review current caselaw, regulatory frameworks, policy and ethical considerations with an emphasis on their implications to businesses and entrepreneurs in the legal cannabis space. Students will participate in mock negotiations, lobbying exercises and will have an opportunity to contribute and/or participate in real-time discussions concerning New York's own efforts to legalize the recreational use of cannabis.

Congressional Investigations

Pre/Corequisite: None

Recommended Class(es): Administrative Law, Evidence

Congressional investigations have served as harbingers or codas to key moments in American history — from the 1929 stock market crash and the McCarthy era to Watergate and the 2008 financial crisis. But the investigative tools available to Congress and the legal limits on congressional oversight are not widely understood.

This seminar will address the legal and practical aspects of congressional investigations and compare and contrast them with other types of government investigations. It will start by analyzing seminal cases on the Congress's investigative authority. Students will then step into the shoes of congressional and government investigators through practical exercises to formulate investigation plans, draft subpoenas, question witnesses, work with whistleblowers, negotiate accommodations, navigate relevant political considerations, and prepare reports and hearings. Finally, the course will examine how oversight investigations can inform legislation and regulation.

Students with interest in enforcement and white-collar practice can benefit from this seminar by simulating key steps in the investigative process and by gaining familiarity with congressional and government investigations. Students interested in regulatory practice also can benefit by understanding how legislative oversight interacts with statutory interpretation and regulatory rulemaking.

Corporate Counsel

Pre/Corequisite: None

Recommended Class(es): Administrative Law, Evidence

This course prepares students to succeed as an in-house corporate counsel by providing hands-on exercises and real-world case studies. Throughout the course, students will cover various topics including contract negotiations, risk assessments, intellectual property, governance and compliance, data privacy, internal investigations, and crisis management.

In today's business world, in-house counsel plays a crucial role in managing legal and regulatory issues, compliance, risk management, and commercial contracts. Therefore, it is essential for law students to understand the expertise required for this role. This comprehensive course equips students with the necessary tools to handle the challenges of being an in-house counsel in today's fast-paced corporate environment.

Cryptocurrency and Digital Asset Regulation: Law, Policy, and the Future of Finance

Pre/Corequisite: None

Recommended Class(es): None

This course aims to give students a general understanding of digital assets, cryptocurrency, and blockchain, and the legal, regulatory, and policy issues surrounding them. We will discuss the basics of digital assets, and the current state of regulation in the US, with some discussion of other jurisdictions. We will explore cryptocurrency, tokens, initial coin offerings (ICOs), Decentralized Finance (DeFi), NFTs, and stablecoins. We will discuss compliance issues implicated in digital asset trading and custody. The regulation of trading and digital asset exchanges will be emphasized. Special attention will be paid to the question of which regulatory bodies are best suited to regulate this area, with particular emphasis on the role of the SEC. Current issues in the space also will be covered, such as the recent FTX collapse, BlockFi bankruptcy, and SEC actions including the Ripple litigation.

Divorce Process

Pre/Corequisite: None

Recommended Class(es): Family Law

Divorce Process is a course that will provide students with an inside look into the different divorce process choices available: litigation, mediation and collaborative law and provide an in-depth and hands on look at both the similarities and differences between the process options. Students will be provided with an overview of each of the process choices (litigation, mediation, and collaborative law) through lectures, guests, written materials, observation, and participation in mock role plays. The course will take students into a courtroom, mediation room or a collaborative law meeting by providing real-life examples and scenarios to provide students with an experience on each divorce process choice. The course will tackle the myths and misconceptions of divorce through an interactive discussion of current family law and divorce articles and news.

Students will also learn the skills to represent clients going through a divorce in each of the process choices: litigation, mediation, and collaborative law. Students will gain an understanding of each process choice from both the client and attorney/mediator perspective.

International Peacemaking

Pre/Corequisite: None

Recommended Class(es): None

The purpose of this course is to understand the different tools of conflict resolution as applied to external as well as internal disputes and conflicts. The case study of Israel will be used for the course focusing on the Israeli-Palestinian conflict, coexistence projects, Israeli Arab relations, and the integration of dispute resolution into the Israeli legal system.

The class will meet over the course of the entire year and will travel to Israel to study these issues in person during the second week of the January Winter session.

Students will be responsible for some portion of their travel. In the Fall, this class will begin in October and meet on select Tuesdays. Students must attend both the full-year classroom component and the Israel trip to receive credit for the course.

Law of Settlement

Pre/Corequisite: None

Recommended Class(es): None

Most civil disputes settle before trial. Indeed, the statistics are not even particularly close: recent scholarship suggests that between 92 and 98% of civil cases are resolved before trial, depending on the jurisdiction and claims. Why do so many cases settle? When do they settle? And—perhaps most importantly—how can attorneys facilitate settlement in a manner that is most advantageous for their clients? This course will consider these important questions. First, we will set the stage by examining the full spectrum of processes that are available for resolving civil conflicts, such as negotiation, mediation, arbitration, and litigation. Second, we will review basic concepts of interest-based negotiation theory that lawyers regularly employ to settle disputes. Third, we will review the timeline of most civil litigation from the filing of the complaint through enforcement of judgment. Using this timeline, we will consider “leverage points” when settlement is most likely. Fourth, we will study settlement agreements themselves. What goes into a settlement agreement? What are best practices for drafting such agreements? Can they remain confidential? What happens if one party fails to comply? Finally, we will examine the rules of professional conduct that guide attorneys who negotiate settlement agreements on behalf of clients. Overall, students will emerge from this course with a strong understanding of why and how civil cases settle, including a practical sense of the mechanisms for memorializing and enforcing settlements.

Religious Freedom and Gender Equality

Pre/Corequisite: None

Recommended Class(es): None

The course will focus on the interplay between religious freedom and gender equality in different contexts. What is and what is not freedom of/from/in religion or belief? Is protection of conscience objectors compatible with gender non-discrimination? Should employees be permitted to wear religious symbols and attire at the workplace? Can religious employers impose their ethos on employees? Should religious organizations tolerate believers and priests opposing their official doctrines on gender and sexual orientation? Are homophobic speech and harsh religious criticism permissible? And, of course, can the baker refuse to make a cake for a same-sex wedding? These are a few questions, among many others, that students will discuss during class based on international norms and recommendations as well as jurisprudence of various national and supranational courts.

In addition, students will investigate the politicization of religious freedom and gender equality issues and the weaponization of religious freedom language for the purposes of cultural wars and geopolitical clashes.

Finally, students will study and practice in simulations how various actors (international organizations, national governments and courts, human rights organizations, and religious freedom defenders) can

help overcome politicization and contribute to advancing religious freedom and gender equality in a non-competitive and mutually reinforcing manner.

Student grades will be based on a combination of the final paper (50% total), book review (25%), and class participation (25%).

Taxation of Business Entities

Pre/Corequisite: Federal Income Tax

Recommended Class(es): None

This course covers the federal income taxation of C corporations, partnerships, and their owners. The corporate income tax is a separate tax, predating the individual income tax, while partnerships and entities classified for tax purposes as partnerships report income but do not pay tax. Shareholders of corporations pay tax on certain types of distributions. Partners pay tax on the allocated income of the business entity as earned. We will cover the basic principles of taxation at each level as well as tax strategies for formation, operation, and liquidation. More advanced topics, such as financing, sale, and reorganization, are likely to be covered in the advanced business taxation class in the spring semester. We will not cover the material on S corporations.

Trial Practice

Pre/Corequisite: Evidence

Recommended Class(es): None

The first weeks of this course will focus students on how to develop a "theory of the case" - the guiding narrative that will govern how the case will be presented, organized and argued. After establishing that foundation, the course will then be taught in a clinical model: each week, students will be required to perform and develop some mastery of the various aspects of a trial, including handling exhibits, opening statements, direct examination, cross examination, summations, motions in limine, objections, witness preparation, and jury selection. The culmination of the course will be a full jury trial conducted by the instructor.