

# ***Cardozo School of Law***

## ***Course Descriptions***

*These are the course descriptions for all the courses currently in the Cardozo catalogue. Not every course is offered every semester or every year. Where multiple professors teach different sections of a given course, the professors' names are separated by a comma and, in some cases, separate course descriptions are provided. Where two professors co-teach a class, the professors' names are separated by a slash.*

### **ADMINISTRATIVE LAW**

**Course Number:** LAW 7521

**Professor:** Herz, Norris, Shaw

**Credits:** 3

**Pre/Corequisite:** None

The Constitution suggests that Congress, the President, and the courts govern in the United States. In reality, however, we live in the “administrative state”: individuals and firms (and, thus, most clients) are most immediately and significantly affected not by the actions of Congress, courts, or the President, but rather by those of administrative agencies. This course will introduce the institutions, procedures, and theories of the administrative state. We will explore the constitutional foundations of the modern administrative state, the authority of the president to dictate or influence agency activity, congressional oversight of agencies, the procedural and substantive constraints on agency rulemaking and adjudication, and the scope and availability of judicial review of agency action. In the background throughout will be questions of regulatory policy, i.e. the justifications for and tools of government regulation.

### **ADR COMPETITION HONOR SOCIETY**

**COURSE NUMBER:** LAW 7396

**Professors:** Love/Weisenfeld

**Credits:** 2 total: 1 for the August “Moot Camp” and 1 for the Honor Society.

**Pre/Corequisite:** None.

**Enrollment:** Permission-only course, only open to 2L students selected through the application process.

**Skills credits:** Successful completion of the August “Moot Camp” will award one (1) credit towards the JD experiential/skills credit requirement.

The ADR Competition Honor Society is a student run organization that is led primarily by ADR Board Members, a select group of 3L students who excelled in the prior year's Honor Society. The Honor Society selects approximately sixteen to twenty 2L students each year to join the eight 3L Board Members. Together, these students participate in a Moot Camp before school

starts in August and a year-long competition practicum. Selected members of the Honor Society represent the school in local, regional, national, and international negotiation, client counseling, mediation, and arbitration competitions sponsored by the ABA, other law schools, and international entities, including the International Chamber of Commerce Mediation Competition in Paris. Team members receive one academic credit for Moot Camp and one clinical credit for their participation on the Honor Society. The Board Members receive two clinical credits for running and coaching the Honor Society. Coaching is supplemented by faculty members who assist in preparing individual teams for certain competitions.

## **ADR IN THE WORKPLACE**

**COURSE NUMBER: LAW7351**

**Professor:** Weisenfeld

**Credits:** 3

**Pre/Corequisite:** None

**Recommended:**

1. Employment Discrimination or Employment Law or Labor Law, and
2. Alternative Dispute Resolution Seminar or Dispute Resolution Processes or Domestic Commercial Arbitration

**Skills credits:** Successful completion of this course will award three (3) credits towards the JD experiential/skills credit requirement.

This is a simulation-based skills course that examines the doctrinal background and the practice of arbitration and mediation in the contexts of labor and employment disputes. Given increased use of various ADR processes, it should be of particular interest to students intending a career in labor or employment law, as well as to those with a more general litigation focus who want to gain practical exposure to ADR.

In addition to a doctrinal introduction focused on the development and legal standing of arbitration, there will be in-class exercises in which students will learn to analyze fact patterns, make arguments, and issue rulings. Later in the semester, students will conduct two simulated arbitration hearings (and write post-hearing briefs) and two simulated mediations, and also write an arbitration decision based on an assigned fact pattern.

Student grades will be based on a combination of the simulation cases (75% total) and class participation (25%). Grades for the simulations will take into account writing and preparation/effort.

Scheduling Note: depending on class size, students should expect that two or three of their four simulations will take place outside of regular class hours, most likely on Sundays. The exact class and simulation schedule will be finalized during the first week of class.

## **ADR WRITING SEMINAR**

**COURSE NUMBER:**

**LAW7352**

**Professor:** Love, Erez-Navot

**Credits:** 2

**Prerequisite:** This course is open to students who have completed the fall semester Mediation Clinic or who are in the LLM program for mediation and advocacy.

**Enrollment:** This course requires permission of the instructor. Please contact Professor Erez-Navot ([donna.ereznavot@yu.edu](mailto:donna.ereznavot@yu.edu)) to request permission to take the course.

Over the course of the semester, students will meet in a classroom setting (for seven 2 hour classes), as well as work in small writing groups on a weekly basis to critique and advance their writing projects. Students will develop a topic of their choice in the ADR field, will develop a short proposal, an outline, a list of sources, a first draft for the instructor's comments, and a final draft of a 25 page paper. Grades will be based on improvement over the course of the semester, as well as on the final writing project. The course is offered for 2 academic credits and is graded.

## **ADVANCED CONTRACTS**

**COURSE NUMBER: LAW 7013**

**Professor:** Goodrich

**Credits:** 2

**Prerequisite:** None.

**Recommended:** Prior study of Contract Law is strongly recommended for LL.M. students.

This course will address current and emerging issues in Contract. Topics will include the nature of promising, good faith in contracting, arbitration and pre-emption, ante-nuptial and separation agreements, Material Adverse Change clauses, third party rights, specific enforcement, humor and agreement. Examination will be by coursework and a final essay on an agreed topic.

## **ADVANCED CRIMINAL LAW**

**COURSE NUMBER: LAW 7109**

**Professor:** Huigens

**Credits:** 3

**Pre/Corequisites:** None

This course will continue where basic criminal law left off. We will examine accomplice, conspiracy, and corporate criminal liability. The next part of the course will deal with sentencing, including the current constitutional controversy over the validity of determinate sentencing schemes such as the Federal Sentencing Guidelines. Finally, we will do some reading in the theory of punishment, including works by Kant, Bentham, H.L.A. Hart, and Antony Duff.

## **ADVANCED HUMAN RIGHTS & ATROCITY PREVENTION CLINIC AND SEMINAR**

**COURSE NUMBER: LAW7124; LAW 7108**

**Professor:** Getgen-Kestenbaum, et al.

**Credits:** 4 credits (2 clinical + 2 academic) for the semester

**Prerequisite:** Human Rights and Genocide Clinic or some background or experience in International, Human Rights, and/or Immigration/Asylum Law.

**Skills credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

The Advanced Human Rights and Atrocity Prevention Clinic affords an excellent opportunity for students interested in international human rights law to practice law in the transnational setting of international human rights litigation and other forms of human rights advocacy while providing assistance to individuals seeking asylum in the United States.

Globally, legal issues stand at the intersection of domestic civil rights law and the developing law of international human rights. Joining the ranks of a select group of human rights clinics in the country, the Cardozo Human Rights and Atrocity Prevention Clinic is the only law school clinic focused on issues of human rights and mass atrocities. The overall objective of the clinic is to give law students first-hand experience with the range of activities in which lawyers engage to promote respect for human rights, and the diverse ways in which the law is utilized to advance social change. In particular, the Clinic focuses on the prevention of mass atrocities, the protection of persons suffering from mass human rights abuses, and the rebuilding of societies in the aftermath of mass human rights violations. Doctrinally, the Clinic focuses, among other things, on international human rights, genocide prevention, international criminal law, asylum and refugee law, anti-discrimination law, minority rights, and transitional justice.

Each student will be expected to work on one human rights case project and to represent an individual seeking asylum in the United States. The Clinic represents individuals and institutions, including United Nations Agencies, non-governmental organizations, and public interest law firms. As a general rule, Clinic cases and projects will fall into four broad areas:

- Litigation and advocacy before international and regional human rights tribunals and treaty bodies concerning minority rights, discrimination, crimes against humanity, and genocide (U.N., Inter-American Court, European or African Human Rights mechanisms);
- Human Rights litigation and advocacy in the United States (ATCA, lobbying of legislative and executive branches, support of non-governmental organization initiatives);
- Post-conflict reconciliation and transitional justice, with an emphasis on post-conflict domestic legal development and victim's rights in the criminal prosecution process; and
- Individual representation for persons seeking asylum in the United States.

Students will have the opportunity to research international and comparative law, write legal briefs, memos and policy papers, and sometimes engage in overseas fact-finding missions or representation and advocacy before regional human rights bodies abroad, in support of the work of NGOs, the United Nations and domestic and regional organizations, and represent individual clients at the asylum office and in immigration court. Students will gain important lawyering skills, including, client interviewing and counseling, intensive witness preparation, and cross-cultural and transnational lawyering.

The Advanced Clinic meets once weekly. The seminar provides a critical analysis of the legal framework relevant to the clinic's case work in the areas of international human and minority rights, refugee and asylum law, and international criminal law. The seminar will also cover human rights law concepts and lawyering practice, including strategic cause lawyering, and the legal, strategic, ethical and theoretical issues raised by the case work.

#### **ADVANCED JEWISH LAW**

**COURSE NUMBER:** LAW 7825

**Professor:** Bleich

**Credits:** 2

**Prerequisite:** Extensive training in Talmudic literature

Seminar on selected problems in law studied from the original sources of Jewish Law: Scripture, Talmud; medieval and modern rabbinic commentaries, codes, and response; methodological training in legal, historical, and comparative research.

#### **ADVANCED LEGAL EXTERNSHIP SEMINAR**

**COURSE NUMBER:** LAW7887

**Professor:** Kim

**Credits:** 1

**Co-requisite:** Field Placement

To be provided.

#### **ADVANCED LEGAL RESEARCH [THIS COURSE IS REQUIRED FOR JD STUDENTS TO GRADUATE.]**

**COURSE NUMBER:** LAW 7790

**Professor:** Vogel, George, Whaley, Rucinski

**Credits:** 1

**Pre/Corequisite:** None

**Enrollment:** Open only to JD students

**Skills credit:** Successful completion of this course will award one (1) credit towards the JD experiential/skills credit requirement.

The course provides an explanation of the process of legal research using all types of federal and New York State primary materials; emphasis is placed on administrative and statutory sources.

Explanations of the appropriateness of computer-based legal research are integrated with the use of print sources. Problems that require the use of computer-assisted legal research are assigned. Advanced Legal Research is a required course, and no J.D. student will be exempted from fulfilling the requirement.

#### **ADVANCED MEDIATION PRACTICUM**

**COURSE NUMBER: LAW 7353**

**Professors:** Love, Erez-Navot

**Credits:** 2

**Prerequisite:** This course is open to students who have completed the fall semester Mediation Clinic or an approved 12-week mediator apprentice program.

**Enrollment:** **This course requires permission of the instructor. Please contact Professor Erez-Navot ([donna.ereznavot@vu.edu](mailto:donna.ereznavot@vu.edu)) to request permission to take the course.**

**Skills credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

The course examines: advanced mediator skills; facilitation; approaches to developing cases for mediation; how to counsel clients about dispute resolution options; the application of mediation to complex cases; international negotiation and mediation; and approaches to training others in dispute resolution skills. Students will meet all day on Sunday, January 25, for an advanced mediation “boot camp”. And thereafter they will meet for 7 one-hour classes. In addition to mediating each week of the semester, students will develop and deliver a training in dispute resolution skills to a group of their choosing. The course is offered on a pass-fail basis for 1 academic and 1 clinical credit.

#### **ADVANCED PATENT LAW**

**COURSE NUMBER: LAW7575**

**Professor:** Cohen

**Credits:** 2

**Prerequisite:** Patent Law

An advanced treatment of the law and policy of the patent system. The course analyzes the theoretical and practical issues pertinent to the determination of patentability, the prosecution of patent applications, and the litigation of infringement actions. Attention is also given to important recent developments, including, cases before the U.S. Supreme Court and the Federal Circuit, and issues of patent reform before Congress and the U.S. Patent Office. The format is a mixture of lecture and discussion.

## **ADVANCED TRIAL ADVOCACY**

**COURSE NUMBER: LAW7362**

**Professor:** Rubinowitz

**Credits:** 2

**Pre/Corequisites:** Trial Advocacy, Introduction or ITAP

**Skills credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

**NOTE: STUDENTS MAY TAKE ANY 2 OF THE FOLLOWING TRIAL ADVOCACY COURSES, BUT NOT ALL 3: (1) INTRODUCTION TO TRIAL ADVOCACY, (2) ADVANCED TRIAL ADVOCACY, AND (3) ITAP.**

The course will 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 opening statements, direct examination, handling exhibits, cross examination, summations, motions in limine, objections, and witness preparation. The course will be a step up from the basic trial techniques course (which is a prerequisite to this course). Students will focus their attention on a multi-party litigation and will even have the opportunity to work with real expert witnesses in a courtroom setting.

## **ALEXANDER FELLOWS AND MAGISTRATE FELLOWS PROGRAM/JUDICIAL CLERKSHIP**

**COURSE NUMBER: LAW7950**

**Professor:** Various

**Credits:** 10, plus co-requisite seminar

**Co-requisite:** Alexander Fellows Seminar

**Enrollment:** Open to JD students only. The program is highly selective. Absent unusual circumstances, students selected for the Alexander Fellows program will have a class rank that places them in the top 25 % of the class.

**Skills credit:** Successful completion of this course will award ten (10) credits towards the JD experiential/skills credit requirement.

The Alexander Fellows program places students in the chambers of selected federal judges. Students in the program spend a semester working full time in chambers and also take a special seminar at the law school on issues related to clerking and the judicial function. At the end of the semester, students meet with the Chair of the Faculty Clerkship Committee to review their fellowship experiences. The program offers an excellent opportunity for students to obtain valuable clerkship experience and to learn about the judicial function.

## **ALEXANDER FELLOWS AND MAGISTRATE FELLOWS SEMINAR**

**COURSE NUMBER: 7951**

**Professor:** Jacobson, M. Stone

**Credits:** 2

**Co-requisite:** Alexander Fellows Program/Judicial Clerkship

**Enrollment:** Open only to students in the Alexander Fellows Program

This course, which serves as a complement to the Alexander Fellows program, explores various topics related to federal courts and judging.

## **ALTERNATIVE BUSINESS ENTITIES: LIMITED LIABILITY COMPANIES, PARTNERSHIPS AND BUSINESS TRUSTS**

**COURSE NUMBER: LAW 7039**

**Professor:** Rall

**Credits:** 2

**Pre/Corequisite:** None.

This course deals with an increasingly important area of law for any lawyer contemplating a transactional or finance practice. Alternative business entities - LLCs, partnerships and business trusts -- not corporations -- have become the entities of choice for many businesses, large and small, simple and complex. These days, more LLCs are being organized than corporations incorporated. The course will examine the differences and similarities among alternative business entities; how they are created, managed, and operated; and the fiduciary and other relationships among participants in each type. How to choose the right kind of entity in the context of business transactions will be considered. The course will also include drafting exercises geared toward practical skills and an introduction to the use of alternative entities in cross-border or international financial transactions.

## **ALTERNATIVE DISPUTE RESOLUTION SEMINAR/MEDIATION CLINIC**

**COURSE NUMBER: LAW 7314**

**Professor:** Love, Erez-Navot

**Credits:** 4 credits for the fall semester ; in the spring semester, students can elect to continue with the:

- **Advanced Mediation Practicum** 2 credits and/or the
- **ADR Writing Seminar** 2 credits

**Pre/Co-requisites:** None.

**Enrollment:** Open to JD and LLM students. Limited to 16 students.

**Skills Credit:** Successful completion of Alternative Dispute Resolution Seminar/Mediation Clinic will award four (4) credits towards the JD experiential/skills credit requirement.

Mediation is the intervention of a trained neutral into a dispute to help the disputing parties understand each other better, negotiate efficiently, and reach agreements resolving their conflict. Mediators assist parties to communicate effectively, identify and frame negotiable issues, generate alternative solutions to their conflicts, and find a mutually satisfactory outcome.

Mediation training and service develop students' communication, negotiation and drafting skills,

and aid students in developing a vision of the lawyer's role as problem-solver. After an intensive training program the week before fall classes begin, students serve for 4 hours each week as mediators at the Community Dispute Resolution Centers, the Small Claims Court or the Civil Court. On average, students mediate approximately 12 cases each over the course of the fall semester. Cases include disputes between landlords and tenants, family members, neighbors, warring community groups, business partners, consumers and merchants, and teachers and students. Issues arising from ethnic and cultural diversity frequently make mediation of disputes in NYC particularly challenging. While becoming proficient as mediators, students explore - in their readings, observation assignments and weekly seminar - the techniques, theory and practice of various alternatives to litigation. These alternatives include counseling, negotiation, and arbitration, as well as mediation. Students learn to analyze which process is optimal for particular disputes. Most students become approved community mediators in the fall semester and eligible to mediate cases solo in the second semester.

In the spring semester, students can elect to take the Advanced Mediation Practicum. After being approved to mediate solo as part of the New York Peace Institute, students mediate community and civil court cases on their own, as well as mediating employment and EEOC matters under the supervision of a professor. Students also give a presentation on mediation or dispute resolution processes to a community or school group. Students can also elect to take the ADR Writing Seminar in the spring and write a paper on a topic of their choice related to dispute resolution.

### **ANALYZING CORPORATE AGREEMENTS**

**COURSE NUMBER:** LAW7612

**Professor:** Jacobs

**Credits:** 2

**Prerequisite:** Contracts taken in a US law school and Corporations

**Skills:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

Analyzing Corporate Agreements is intended to familiarize students interested in a transactional practice with key provisions in significant contracts they may encounter. It focuses on clauses that are found in a variety of M&A agreements, as well as problems a corporate lawyer typically faces in addressing issues that arise in structuring and negotiating deals. The course does not address specialized areas (such as tax, intellectual property, environmental, labor, and employee benefits matters), but provides students interested in such specializations with the context in which to better understand where their work fits into the bigger whole. Students are expected to have read and thought about sample documents that are discussed in class.

Grading will be based on class participation and attendance, two drafting exercises, and a final examination.

**This course was formerly called Drafting and Analyzing Corporate Agreements; it is not**

**open to students that took it under the prior title.**

#### **ANATOMY OF AN APPEAL**

**COURSE NUMBER: LAW 7814**

**Professor:** Greenaway

**Credit:** 1

**Pre- or Co-requisite:** Evidence

**Enrollment:** Limited to 16 students

**Skills Credit:** Successful completion of this course will award one (1) credit towards the JD experiential/skills credit requirement

This one-credit course will provide students with the opportunity to learn effective appellate advocacy techniques from a federal appellate judge. Students will evaluate and provide written critiques of briefs from active appellate cases. They will also attend oral arguments. These exercises will be supplemented by texts and written materials from judges and appellate practitioners. Students will also engage in oral arguments before Judge Greenaway.

A requirement for the course is a trip to see oral arguments at the 3rd Circuit Court of Appeals in Philadelphia at a date to be determined by Judge Greenaway.

#### **ANTIDISCRIMINATION LAW**

**COURSE NUMBER: LAW 7875**

**Professor:** Suk

**Credits:** 3

**Pre/Corequisite:** None

This course will focus on the legal rules governing discrimination on the basis of race, national origin, sex, gender, age, disability, and other protected grounds. It will focus primarily on federal statutory and constitutional law regulating discrimination and equal opportunity in employment. Topics to be studied include: intentional discrimination, disparate impact, stereotyping, harassment, bona fide occupational qualifications, affirmative action, and enforcement regimes. Some attention will also be given to antidiscrimination and equality norms in European legal systems, international human rights law, and state constitutional and statutory law. A graded class participation component will include 3 short in-class presentations based on written responses to questions distributed in advance. The final grade will be based on an in-class final examination and the class participation grade.

#### **ANTITRUST**

**COURSE NUMBER: LAW 7557**

**Professor:** Shaw

**Credits:** 2 or 3

**Pre/Corequisite:** None

The course will cover the major federal legislation and case law relating to the promotion of competition and regulation of trade. The course will emphasize economic analysis and thus will

give students a general introduction to the growing importance of economic analysis in law.

**Professor:** Schneider

**Credits:** 3

**Pre/Corequisite:** None

The course provides an introduction to antitrust law, focusing on its application in various competitive relationships and practices, including restraints of trade, price-fixing, tying arrangements, exclusive dealing, refusals to deal, conduct by a dominant firm, loyalty programs and mergers and acquisitions. In addition to teaching the substantive law of the Sherman and Clayton Acts, the course will provide a look at government and private enforcement of the antitrust laws, issues of business planning and the application of the antitrust laws to the new technologies.

#### **APPROPRIATE DISPUTE RESOLUTION (ADR) FIELD CLINIC AND SEMINAR**

**COURSE NUMBER:** LAW 7355; LAW7354

**Professor:** Parker, Erez-Navot

**Credits:** 4 credits (2 clinical + 2 academic) for the semester

**Pre/Corequisite:** None

**Enrollment:** Open to JD and LL.M. students who have been selected through the clinic application process. Permission Required.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

Mediation, arbitration, community conferencing and peace circles – among others – are all processes that give people alternative means to resolve their disputes other than litigation, hence they all fall under the heading Appropriate or Alternative Dispute Resolution (ADR). Organizations like the American Arbitration Association (AAA), FINRA's Dispute Resolution Office, Center for Court Innovation, New York Peace Institute (NYPI), and the EEOC each provide at least one process for resolving disputes without litigation. During the course of the semester, students will extern at an organization that specializes in offering conflict resolution services where they will learn about unique forms of ADR by conducting research, working with clients, observing live sessions, administering services and getting valuable exposure to the field. In the co-requisite seminar, students will obtain a greater understanding of ADR generally and become versed in the myriad processes that fall under the ADR umbrella. Students will learn that these processes are more than just alternatives to litigation – rather, they are all viable options for people when deciding how to respond to conflict. We will spend time considering the spectrum of conflict resolution processes in terms of how each one would serve (or disserve) a person in a given situation. Thus, we will use the more up-to-date interpretation of ADR: Appropriate Dispute Resolution. In addition to the seminar, there will be one evening field trip to NYC Civil Court during the semester.

## **ARAB-ISRAELI CONFLICT: CURRENT LEGAL ISSUES**

**COURSE NUMBER: LAW 7811**

**Professor:** Halberstam

**Credits:** 2

**Pre/Corequisite:** None

The Arab-Israeli conflict is in the news almost daily. Many of the events reported involve legal issues, e.g. the legality of construction in the areas captured by Israel in the 1967 war; the legality of “resistance” by Hamas; the status of the 1978 treaty between Egypt and Israel; the legality of the security fence constructed by Israel; the legality of the Gaza blockade. This seminar will examine those and other legal issues, from the League of Nations Mandate providing for the establishment of a Jewish National Home in Palestine to the U.N. General Assembly Resolution conferring non-member State status on Palestine, as well as new issues that arise.

## **ARBITRATION LAW: THEORY AND PRACTICE**

**COURSE NUMBER: LAW 8316**

**Professor:** Farkas

**Credits:** 2

**Pre/Corequisite:** None

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

This course provides an introduction to arbitration, an ancient method of conflict resolution that has become increasingly popular in the United States. Disputes of all varieties -- commercial, employment, labor, intellectual property, financial -- are routinely resolved by private arbitration. Through readings and simulations, students will study the arbitration process, from arbitrator selection, to effective advocacy, to enforcement of an award. Particular attention is paid to the Federal Arbitration Act and the Supreme Court's arbitration-related jurisprudence. Topics include the relationship between state and federal legislation; the role of courts in arbitration; the enforcement of arbitration agreements; and the scope of arbitrators' powers. In addition to learning the practicalities of arbitration practice, the course also considers the broader public policy debates surrounding arbitration, along with proposed regulations.

## **ART LAW**

**COURSE NUMBER: 7248**

**Professor:** Cobden

**Credits:** 2

**Pre/Corequisite:** None

This course will introduce the basic concepts of art law. The focus of the course will be the legal relationships that govern the art market, with an examination of the respective roles, rights and interests of artists, collectors, museums, dealers, auction houses, experts and advisors. We will

also consider legal issues that arise from the relationship between politics and art – including issues of freedom of expression and censorship; funding and support of the arts; and the complex issues of cultural property, national ownership, and claims for restitution of art lost during World War II. Throughout the course, we will discuss how the unique nature of art and its role in society has shaped the development of the laws that affect the people and institutions of the art world.

### **ART LAW FIELD CLINIC AND SEMINAR**

**COURSE NUMBER:** LAW 7736; LAW 7735

**Professor:** Wagner

**Credits:** 4 (2 clinical, 2 academic)

**Pre/Corequisite:** None, but preference will be given to upper level students (including LLMs), students with relevant experience, and those who have taken courses from among the following: Federal Income Tax, Trusts and Estates, Corporate Law, Evidence, Nonprofit Governance, Art Law.

**Enrollment:** Open to JD and LL.M. students who have been selected through the clinic application process. Host organizations will interview and select students.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

Art and cultural heritage are artifacts that need protection. In addition to traditional legal issues that arise in handling art objects and managing cultural institutions, art law practice raises unique legal questions surrounding responsible stewardship and ownership. Students selected for this clinic will extern with various arts-related government, for-profit, and nonprofit law offices. They will take a co-requisite seminar exploring substantive legal issues around art law and critically examining the practice in which they participate. The objective of the course is to examine various aspects of art law -- funding, national and private ownership, sales, title insurance, tax consequences, collection management, and operations -- as they manifest themselves in arts-related organizations.

Placements may include, among others: the Whitney Museum, the Guggenheim Museum, ARIS Title Insurance Corporation, Christie's, New York Foundation for the Arts, and government agencies overseeing arts issues. Students will engage in substantive legal work, which depending on the placement will include research, writing and other work related to tax law, copyright law, museum management, title insurance, art sales, and nonprofit and corporate governance.

### **ARTS AND ENTERTAINMENT LAW JOURNAL**

**COURSE NUMBER:** LAW 7954; LAW7955

**Advisor:** Burstein

**Credits:** Staff – 1 per year; Board – 2 per year

**Pre/Corequisite:** None

**Enrollment:** Open only to JD students

Note: The Arts & Entertainment Law Journal is graded as a Y (year) course. The 1 credit for

staff members is attributed to the spring semester; board members receive 1 credit for the fall semester and 1 for the spring. In both cases, credit is given only after the spring semester with the faculty advisor's approval.

The Cardozo Arts & Entertainment Law Journal was founded in 1982 as the first student-run journal dealing with entertainment law and has consistently remained renowned and prestigious in the field. The Journal publishes cutting edge articles by distinguished members of the legal community, discussing current issues in arts, entertainment, First Amendment, sports, telecommunications, the Internet and all other areas of intellectual property law, including patent law. Since its founding, AELJ has remained a student publication, and currently functions under the aegis of the Intellectual Property Law Program.

For additional information, see the Cardozo Student Handbook.

#### **BANKRUPTCY LAW: DEBTORS' AND CREDITORS' RIGHTS**

**COURSE NUMBER:** LAW 7051

**Professor:** Carlson

**Credits:** 3

**Pre/Corequisite:** None

This course covers basic concepts of federal bankruptcy law, as it applies to business bankruptcies. Because federal bankruptcy law is derived from state-law concepts of money judgments, the course focuses on New York law of money judgments as a paradigm. The course deals with the phenomenon of secured credit and how it differs from unsecured credit. It also focuses on the state-law concept of fraudulent conveyance. The focus of the course is on chapter 7 liquidations and the power of a trustee to avoid pre-bankruptcy transfers by debtors. The course basically does not cover issues of consumer bankruptcy or chapter 11 business reorganization, both of which are addressed in separate courses. *See BUSINESS REORGANIZATIONS.*

#### **BEGINNING AND END OF LIFE**

**COURSE NUMBER:** BIOE

**Professor:** Bleich

**Credits:** 2

**Pre/Corequisite:** None

Modern technology has enabled man to become the author of life and death to a limited but significant degree. This new ability has generated both legal and ethical issues. The ethical issues have a direct bearing upon public policy which in turn finds expression in development of the law. Contraception and abortion have long been available but methods of achieving such ends have multiplied and become more sophisticated. Assisted procreation, ovum donation and surrogate motherhood in its various forms are relatively new. Each of those topics will be analyzed. At the other end of the spectrum are issues born of unprecedented longevity giving rise to prolongation of life that may be perceived as physically, emotionally, or economically burdensome. Withdrawal of treatment, assisted suicide and definition of the time of death are

matters of contention. In analyzing each of these issues conflicts arise between the principles of individual autonomy, preservation of life and societal needs. Those conflicts will be analyzed both in terms of the underlying ethical considerations and the provisions of law.

### **BET TZEDEK CLINIC [IN-HOUSE CLINIC]**

#### **COURSE NUMBER: LAW7430**

**Professors:** Salzman/Diller

**Credits:** Full-year clinic, 12 credits per year with 3 clinical credits each semester for the Clinic (plus 3 credits each semester for the co-requisite Civil Litigation Seminar). Credit is awarded only after completion of the spring semester.

Corequisite: Civil Litigation Seminar.

**Enrollment:** Open only to JD students who have been selected through the clinic application process. In the spring, open only to those enrolled in the previous fall semester, but students must still re-register for the spring.

**Skills Credit:** Successful completion of this course will award six (6) credits towards the JD experiential/skills credit requirement.

In the clinic, students will handle real cases under faculty supervision for elderly and disabled clients, and will learn how law and litigation can advance social justice. The cases generally involve entitlement to government benefits, especially under Medicaid and Medicare, Social Security retirement and disability. Students handle cases in federal and state court, and before administrative agencies.

### **BIOETHICS AND MEDICAL HUMANITIES**

#### **COURSE NUMBER: BIOE**

**Professors:** Campelia/Flicker/Powell/Spencer

**Credits:** Full-year class. 3 academic credits each semester. Credit is awarded only after completion of the spring semester.

**Pre/Co-requisite:** None.

**Enrollment:** This is a course primarily intended for medical and graduate students, but a limited number of law students will be admitted, by permission of the instructor.

Students may apply online at: <http://www.einstein.yu.edu/education/bioethics/applying/>

Students may also send application queries to Dr. Powell at [bioethics@montefiore.org](mailto:bioethics@montefiore.org)

The Montefiore-Einstein Certificate Program in Bioethics and Medical Humanities is the longest running bioethics educational program in the tri-state area. This celebrated year-long course can be taken independently to earn a Certificate or as the required introductory course for the Einstein-Cardozo Masters of Science in Bioethics. Students in the course include physicians, nurses, practicing attorneys, social workers, chaplains, and medical and law students. The unusual diversity and range of experience in the group leads to lively and well-informed discussion. **The course is graded on a pass/fail basis to encourage the free flow of discussion and ideas.**

Each semester includes an intensive full day retreat in addition to weekly seminars that focus on the essential principles and practical clinical applications of bioethics. Our first retreat offers an intensive introduction to bioethics reasoning and methods of analysis. The second semester

retreat teaches conflict mediation in the setting of bioethics. Each three hour weekly seminar tackles bioethics topics from diverse perspectives. A law professor guides us through a close reading of court cases, revealing how legal principles and decisions shape medical practice. An expert in narrative medicine leads us through works of fiction, finding there a lens to focus on the values and emotions evoked in the clinical context. We review a range of state and national bioethics health policies, assessing how public policy incorporates values, and whose values are featured or neglected. The course relies upon a multiplicity of perspectives, drawing upon the depth of expertise not only of faculty but also of our participants, many of whom bring years of clinical and legal experience to the program.

### **BIOETHICS AND THE LAW**

**COURSE NUMBER:** BIOE

**Professor:** Bleich

**Credits:** 2

**Pre/Corequisite:** None

The course will examine the legal nature of the physician-patient relationship, the notion of informed consent and the parameters of malpractice. Course topics will also include patient autonomy and refusal of treatment, decision-making capacity as distinct from legal competence, care of minors, issues in mental health and psychiatry as well as human experimentation and organ transplantation.

### **BIOETHICS FOR PANDEMICS**

**COURSE NUMBER:** BIOE

**CREDITS:** 2

**Pre/Corequisite:** None

The course will address a broad range of ethics issues within both the current pandemic and those from the past and potentially ahead in the future. We will examine classic bioethics writings setting out the tensions between obligations to individual patients and to the health of populations. We will review guidance documents prepared by various national and international groups, looking at overarching similarities and differences. We will address the way in which public health disasters affect various vulnerable groups, including minorities, elders, and prisoners. We will investigate the ethical responsibilities of government, individuals and institutions in pandemic response. Readings offer a broad range of perspectives, including classical accounts of plague, current medical, legal and public health publications, and selections from works of fiction.

### **BLOCKCHAIN AND THE LAW**

**COURSE NUMBER:** LAW 7853

**Professor:** Wright

**Credits:** 2

**Pre/Corequisite:** None

In 1993, hardly anybody had heard the word Internet. Yahoo was two years from its founding. Not a soul foresaw Instagram, Snapchat, WikiLeaks, or the explosion of cat videos. Mark Zuckerberg was 9 years old. Yet, in less than 20 years, the Internet has transformed the world for both good and bad, changing the media landscape, tethering us to our phones, and powering new forms of commerce.

Today many argue that blockchains—decentralized databases maintained by a distributed network of computers--will soon pervade our lives, just like the Internet before—disrupting financial systems, supporting civic participation, and changing the way we contract with one another. This course will provide students with an introduction to the salient features of blockchain-based computing platforms and the legal challenges they raise. We will explore five aspects of blockchains: (1) payment systems, finance, and contracts; (2) information systems and government applications; (3) organizations and machines; and (5) modes of regulation for this new technology. The course will be collaborative and is a joint class between Cardozo and Duke Law School.

#### **BUSINESS DEVELOPMENT FOR LAWYERS**

**COURSE NUMBER:**

**CREDIT: 2**

**PRE-REQ/CO-REQ: None**

There is a famous saying, “There are two kinds of lawyers—those with clients and those without.” The goal of this course is to how to get those clients. Cardozo has taught you to think like a lawyer; this course will help you think like an entrepreneur. The course covers the business of law. Specific topics include networking, using social media, developing referral streams, managing client relations, client communications, basic business management and law firm finance, business strategy, and the economics of the legal profession.

#### **BUSINESS IMMIGRATION, WORKFORCE AND COMPLIANCE LAW**

**COURSE NUMBER: LAW7419**

**Professor:** Michael Wildes

**Credits:** 2

**Pre/Corequisite:** None; Recommended: Immigration Law

This course provides an in-depth examination of employer-based immigration including: employment-based paths for temporary and permanent duration, workforce compliance, Department of Labor and Department of Homeland Security audits, federal pre-emption issues, alien entrepreneurs and aliens of extraordinary ability, changes in status and litigation. Nuances of the immigration code, regulations and pertinent case law will be discussed. The course is designed to provide the students with a practical tool kit to understand and deal with the fundamentals of business-immigration, including theoretical and practical concepts and their application to real-world challenges faced by employers.

#### **BUSINESS REORGANIZATIONS**

**COURSE NUMBER: LAW7030**

**Professor:** Holtzer

**Credits:** 2

**Pre/Corequisite:** Bankruptcy Law

This seminar focuses on chapter 11 bankruptcy reorganization. We will discuss the reorganization from commencement of a case through confirmation of a plan of

reorganization. Among the topics to be covered are “first-day” motions and orders, financing, the assumption or rejection of executory contracts, valuation, sales of assets, disclosure issues and issues concerning the plan confirmation process.

There is no final examination for the course. Grading is based on a term paper as well as a heavy emphasis on class participation. Term paper topics are selected by students from a list provided in the beginning of the course, although custom topics may be approved by the professor.

#### **CAPITAL MARKETS AND MUNICIPAL FINANCE (NEW SCHOOL)\*\***

**Professor:** Allison

**Credits:** 2

**Pre/Corequisite:** None; Understanding of basic microeconomics and/or quantitative methods is advisable, but the instructor may grant permission to enroll in the course without it.

This course offers a thorough introduction to both private and public capital markets, with a focus on municipal bond markets. Students learn about important institutional stakeholders (investors, rating agencies, finance agencies, underwriters, and beneficiaries) and are introduced to the basic theoretical and practical tools needed to analyze financial conditions pertinent to both domestic and international capital markets. Particular emphasis is placed on the evolving fields of community development investment in the United States and emerging markets. This course provides the background necessary for participation in many of the school’s other finance courses and labs. Understanding of basic microeconomics and/or quantitative methods is advisable, but the instructor may grant permission to enroll in the course without it.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

#### **CHILDREN AND THE LAW**

**COURSE NUMBER:** LAW 7815

**Professor:** Hamilton

**Credits:** 2 or 3

**Pre/Corequisite:** None

This course will address a variety of intersections between children and the law, including constitutional rights, custody, abuse, child pornography, and other cutting-edge issues.

#### **CHILDREN, RIGHTS, POVERTY, EQUALITY (NEW SCHOOL)\*\***

**Professor:** Minujin

**Credits:** 2

**Pre/Corequisite:** None

The objective of the course is to analyze, discuss and participate in various programmatic approaches that are presently being implemented for children around the world. Human Rights and the Convention on the Rights of the Child will be discussed and used as a paradigm and benchmark for analyzing programs. The present development agenda and trends will be debated in light of children's situation and the human rights-based approach in both developing and developed countries. The course will also examine the topics of children in emergencies, child health and nutrition, access to education and children living in urban slums. Furthermore, students will attempt to view child rights and poverty issues through the lens of a child, which will require a personal connection to some of the coursework assignments. Some UNICEF senior experts and child rights practitioners will provide their experience and vision as guest speakers in the course. The course will be a combination of lectures, student-led discussions and student presentations on 'child programs' case studies. Active participation and debate will be promoted, and there will be a group assignment that will include reflective interviews on childhood experience as well as a group presentation. Students enrolled in this class will derive practical learning on children's issues, poverty and globalization, as well as on policies and programs dealing with these issues. This knowledge can be applied in their future work and careers in the public, nonprofit, or private sector.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

#### **CIVIL LITIGATION SEMINAR**

**COURSE NUMBER: LAW 7518**

**Professors:** Salzman/Diller

**Credits:** 3 per semester

**Corequisite:** Bet Tzedek Legal Services Clinic

**Enrollment:** Open only to JD Students enrolled in the Bet Tzedek Clinic

The seminar explores legal problems in connection with the administration of government welfare programs, particularly programs providing cash benefits (such as Medicare and Medicaid). Role of litigation and other means of advocacy; techniques of effective advocacy; professional responsibility of the public interest lawyer. Students participate in exercises, drawn from cases being handled by the Bet Tzedek Legal Services Clinic, in the techniques of civil litigation including interviewing and counseling, drafting of pleadings, handling pretrial discovery such as depositions and interrogatories, pretrial motion practice, handling trials and hearings, and negotiating appropriate relief.

**CIVIL PROCEDURE [Required first-year course for JD students; tested on the Bar Exam]**  
**C O U R S E   N U M B E R :   L A W 6 3 0 0**

**Professor:** S. Stone, Reinert, Gilles, Suk, Yablon

**Credits:** 5

**Pre/Corequisite:** None

Civil Procedure deals with the process of litigating a civil (as opposed to criminal) case in federal court. The course examines the legal rules governing the litigation process, including the kinds of cases that can be brought in federal court, the difference between the jurisdiction of federal and state courts, the effect of final judgments on later litigation, service of process, pleadings, discovery, mechanisms for dismissing a suit before trial, post-trial motions, final judgment, and appeal.

**CIVIL RIGHTS CLINIC [In-house clinic]**

**COURSE NUMBER: LAW 7816; LAW 7816A**

**Note:** This is a year-long course, split into Civil Rights Clinic I (fall) and Civil Rights Clinic II (spring).

**Professor:** Ginsberg

**Credits:** 12 credits (6 fall + 6 spring) for the year

**Pre/Corequisite:** There is no required prerequisite for this course but experience with, or demonstrated interest in civil rights, criminal justice and federal civil litigation either through course work or other experience, will be a positive factor in the selection process.

**Enrollment:** Open only to JD students who have been selected through the clinic application process.

**Skills Credit:** Successful completion of Civil Rights Clinic I course will award six (6) credits towards the JD experiential/skills credit requirement.

Cardozo's Civil Rights Clinic is a live client clinic in which students will primarily litigate civil rights cases in federal district and appellate courts. The work of the clinic will focus on the intersection between civil rights and the criminal justice system, such as cases challenging unconstitutional conditions in jails and prisons or police brutality. Students in the clinic will also have the opportunity to engage in other projects addressing the issues affecting our client population.

The United States now has less than 5% of the world's population but more than a quarter of the world's prisoners – 2.3 million people. Today more than one in every 100 adults lives in jail or prison. This mass incarceration has led in many instances to unconstitutional conditions of confinement, poor medical and mental health treatment and violence. Additionally, as recent news and judicial decisions have highlighted, law enforcement sometimes engage in practices, such as stop and frisk, that are invasive of privacy rights or are discriminatory. Students in this clinic will have a real opportunity to confront the injustices of this system and make a significant difference in the lives of their clients.

In cases before the federal courts, students may have the opportunity to develop and investigate new cases, interview and counsel clients, draft pleadings, conduct discovery (including taking and defending depositions), negotiate settlements, draft briefs, appear in court at pretrial

conferences, hearings and oral argument and to conduct trials. Students will perform *all* aspects of their client's representation together with a student-colleague and under the intensive supervision of the professor, a practicing attorney and full-time member of the Cardozo clinical faculty.

In addition to casework, the clinic will include a seminar component with a curriculum designed to complement and deepen students' other clinic work. Seminar classes will address some of the substantive and procedural law governing federal civil rights actions, as well as many of the lawyering skills and competencies important to litigation. They will also address the ethical issues that typically arise in civil rights litigation and concerns that arise in the representation of incarcerated individuals.

**CLIMATE CHANGE AND THE LAW**

**COURSE NUMBER: LAW 7469**

**Professor:** Herz

**Credits:** 2

**Pre/Corequisite:** None, though Environmental Law would be helpful

This course will review the science, policy, and, most of all, law regarding human-induced changes to the world's climate. We will begin with a brief overview of the science of climate change and a consideration of the possible technological and regulatory responses. The bulk of the class will be spent on legal requirements that seek to mitigate climate change by controlling the emission of greenhouse gasses (GHGs). Topics will include the EPA's extensive current and planned regulatory initiatives under the Clean Air Act, the Kyoto Protocol and the larger international process pursuant to the UN Framework Convention on Climate Change, the European Union's trading regime, the wide variety of state initiatives (including limits on GHG emissions, regional cap and trade programs, incentives or requirements for the development of alternative energy sources), and a brief examination of proposed federal legislation. If time permits, we may also look at legal aspects of adaptation to climate change.

**COLLABORATIVE FAMILY LAW**

**COURSE NUMBER: LAW 7708**

**Professor:** Berner

**Credit:** 1

**Pre/Corequisite:** None

**Skills Credit:** Successful completion of this course will award one (1) credit towards the JD experiential/skills credit requirement.

This interactive class will introduce students to Collaborative Family Law, the newest and fastest growing alternative dispute resolution process, which offers a new framework and skill set to help attorneys resolve conflicts out of court. Through a combination of lecture, demonstration, discussion and role play exercises, students will learn the fundamental concepts and basic skills

that underlie the Collaborative framework. The class will be structured around the actual stages of the collaborative negotiation process, from the initial consultation with clients and assessing appropriateness of the process, to the joint meetings, through the "end game" of negotiating a collaborative settlement.

This one credit Pass/Fail course will require reading, written reflection, and class participation in order to achieve a passing grade.

#### **COLLECTIVE BARGAINING AND NEGOTIATION IN SPORTS AND ENTERTAINMENT**

**COURSE NUMBER:** LAW 7876

**Professor:** Mendelsohn

**Credits:** 2

**Pre/Corequisite:** None; Recommended: Labor Law

A study of the law, strategy, and history of union activity in the sports and entertainment industries. Unions play a major role in defining the business of sports and entertainment, and the union-negotiated collective bargaining agreements impact every part of these businesses, from industry trends to individual contracts. The CBAs dictate, for example, why the NBA has a salary cap but Major League Baseball does not. The goal of this course is to highlight the facets of practicing sports and entertainment law that make it unique both practically and historically, and familiarize students with the relevant labor law, antitrust law, and negotiation rules and processes that impact such practice. This course is helpful for students who want to work in this field, whether they are lawyers for the union, management, productions, agents, or studios. The course provides a foundational understanding of basic labor law, the NLRA (and how the NLRB works), Section 7 rights, collective bargaining practices, the grievance and arbitration processes, and how practicing attorneys can use these to their advantage.

#### **COMMERCIAL LAW [tested on the Bar Exam]**

**COURSE NUMBER:** LAW 7032

**Professors:** Carlson, Schroeder

**Credits:** 4

**Pre/Corequisite:** None

This course is basically about the law of personal property. It covers the sale of personal property pursuant to UCC Article 2 (while skipping purely contractual issues such as offer and acceptance or warranties). It covers the transfers of funds by check or other commercial paper or by letters of credit as governed by Articles 3-5 of the UCC and by federal check-clearing regulations.

Finally, it covers the transfers of personal property to secure loans, which is governed by Article 9 of the UCC. Since the purpose of these security interests is, in part, to provide preferences in light of bankruptcy proceeding, the fate of security interests in bankruptcy is covered. The course is absolutely fundamental for anyone wishing to do transactional work or commercial litigation.

**COMMUNITY DEVELOPMENT (NEW SCHOOL)\*\*****Professor:** A. Schwartz**Credits:** 2**Pre/Corequisite:** None

Community development is the discipline concerned with the identification, allocation and effective use of human, physical, financial or social resources in neighborhoods, multi-neighborhoods, and rural regions. It encompasses the understanding and development of the social organizations and institutions, such as community development corporations (CDCs), community based organizations, and informal voluntary associations that facilitate the association and interaction of neighborhood residents in activities of common interests.

Community development has become an important approach for revitalizing poor urban and rural communities, often including organizing residents in a targeted area, local planning, advocacy and political mobilization, institution building, physical revitalization and economic development. It is important to recognize that very few community-based organizations engage in the activities described above, in fact few CDCs are actively involved in organizing.

The first part of this course is designed to expose students to the major theories, policies and conceptual approaches of community development. The second part of the course reviews the major strategies and approaches deployed by practitioners and policy makers to revitalize poor urban communities. The final part of the course is devoted to student projects for community development clients that advance the student's knowledge and the work of the community development organization. These projects will be approved jointly by the student, client, and professor. The course will be conducted as an interactive seminar, where all students will be required to participate actively in class discussion, and share their knowledge.\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.

**COMPARATIVE CONSTITUTIONALISM****COURSE NUMBER:** LAW 7257**Professor:** Rosenfeld**Credits:** 3**Pre/Corequisite:** None

Examines constitutionalism, the rule of law, and key constitutional subjects and issues from a comparative perspective. The materials covered will be systematically analyzed in terms of the central concept of proportionality. Coverage will include: different models of constitutional review and different theories of constitutional interpretation; separation of powers and federalism or decentralization; and fundamental rights, particularly liberty and equality rights, including freedom of speech and religion, freedom of intimate association and individual and group

equality rights.

## **COMPARATIVE LAW**

**COURSE NUMBER: LAW 7251**

**Professor:** Suk

**Credits:** 3

**Pre/Corequisite:** None

This course is an introduction to the comparative study of different legal systems. It will focus on comparing and contrasting the United States' legal system to those of France and Germany. There will also be some attention to non-Western legal traditions, such as those of China, Japan, and Islam. The emphasis throughout will be on 1) the purposes and methods of comparative legal inquiry, 2) differences between the common law and civil law traditions and their contemporary relevance, and 3) the ways in which differences in legal doctrines, practices, and institutions reflect larger differences in social structure, culture, and historical development. Particular topics for comparative study may include: conceptions of human dignity, equality, and citizenship; civil and criminal procedure; the definition and punishment of criminal acts; welfare, employment, and consumer protection law; contracts; the structure and regulation of business enterprises; legal education and the legal profession; the administrative state; separation of church and state; and intellectual property.

## **COMPLEX CIVIL LITIGATION**

**COURSE NUMBER: LAW 7324**

**Professor:** Weiner

**Credits:** 2

**Pre/Corequisite:** None

This course will undertake an in-depth examination of issues presented by “real world” complex civil litigation, with emphasis on business and commercial disputes and mass tort proceedings. It will focus on both federal and New York procedure. The course will consider the parties to such litigation, examining permissive and required joinder, intervention and consolidation. It will focus on a litigator's efforts in a complex case to obtain a favorable federal, state or foreign forum, including a study of basic principles of federal jurisdiction, duplicative litigation, transfer and removal of cases and the forum non conveniens doctrine. The unique issues presented by attempts to maintain and defeat class actions will be addressed in detail, as will discovery matters encountered in complex litigation, including electronic discovery, destruction of documents and waiver of privilege. The impact of claim and issue preclusion arising from other judicial determinations will be analyzed. Alternate dispute resolution techniques will also receive attention. The course is intended to assist students in applying knowledge of civil procedure to strategic and other issues likely to be encountered in actual cases. Students will have an opportunity to enhance their advocacy skills and substantive knowledge by arguing in class motions based on the subject matter under study.

## **CONCEPTS OF JUSTICE**

**COURSE NUMBER: LAW 7208**

**Professor:** Rosenfeld

**Credits:** 2

**Pre/Corequisite:** None

In its thirteen sessions the course will deal with thirteen concepts of justice, from Aristotle to Amartya Sen. The goal is to understand what we talk about when we talk about justice. The hope is to find out what justice is.

## **CONFLICT OF LAWS**

**COURSE NUMBER: LAW 7342B**

**Professor:** Sterk

**Credits:** 3

**Pre/Corequisite:** None

A newspaper published in State A claims that a politician from State B is “corrupt.” In State A, an allegation of corruption is an expression of opinion, and not actionable as defamation. In State B, the same allegation is treated as an expression of fact, and actionable as defamation. How does a lawyer for the politician persuade a court to apply the law of State B? And in what court should the lawyer proceed? Can the lawyer proceed in federal court, and if so, should the lawyer proceed in federal court? These questions – issues of choice of law and judicial jurisdiction – are central to the course on Conflict of Laws.

Suppose, further, that the politician’s lawyer obtains a judgment against the newspaper in a court

of State B. If the newspaper has no assets in State B, how can the politician collect on the judgment? Where should the lawyer proceed, and what defenses can the newspaper raise. Conflict of Laws also deals with these issues about enforcement of judgments.

Litigators constantly deal with Conflict of Laws problems, but Conflicts is also an important course for transactional lawyers because, increasingly, contracts include choice-of-law and choice-of-forum clauses, and transactional lawyers need to understand the implications of those clauses.

### **CONSTITUTIONAL AND CIVIL RIGHTS LITIGATION**

**COURSE NUMBER:** LAW 7492

**Professor:** Eisenberg

**Credits:** 2

**Pre/Corequisite:** None; Recommended: Constitutional Law II

This course will address leading-edge constitutional issues as reflected in the current Supreme Court docket. It will also address a range of procedural issues that litigants encounter in pursuing civil rights and constitutional claims in federal courts. The course will be open to upper-level students. A basic constitutional law course is desirable but not pre-requisite for this course.

### **CONSTITUTIONAL INTERPRETATION**

**COURSE NUMBER:** LAW 7503

**Professor:** Weisberg

**Credits:** 2

**Pre or Corequisite:** Constitutional Law II; Recommended Courses: Constitutional Law II and/or Law and Literature

This seminar will focus on the most important issues and controversies regarding constitutional interpretation in general and by the US Supreme Court in particular. US constitutional interpretation will be placed in comparative perspective, and assessed in terms of general theories of interpretation. Special focus will be placed on the controversies regarding textualism, originalism, Dworkin's moral reading of the constitution, Ely and process- based theories, Ackerman and democracy-based theories, evolutionary theories, pragmatism, the controversy over the "unwritten constitution," and the debate within the Supreme Court over reliance on foreign judicial authorities.

**CONSTITUTIONAL LAW I [Required first-year course for JD students; tested on the bar exam.]**

**COURSE NUMBER:** LAW 6501

**Professors:** Adams, Hamilton, Herz, Norris, Pearlstein, Rosenfeld, Rudenstine, Shaw

**Credits:** 3

**Pre/Corequisite:** None

This course offers an introduction to American constitutional law. Whereas Constitutional Law II is about individual rights and liberties, this course focuses on the powers of the federal government and the allocation of decision-making authority among government institutions. In particular, the course will examine federalism (the relationship and power distribution between the federal and state government) and separation of powers (the structure and interrelationship of the three branches of the federal government). This course will also examine the nature of and approaches to judicial review in cases interpreting the Constitution.

**CONSTITUTIONAL LAW II [tested on the Bar Exam]**

**COURSE NUMBER:** LAW 7502

**Professors:** Adams, Reinert, Rosenfeld, Rudenstine, Weisberg

**Credits:** 3

**Pre/Corequisite:** None

This course examines the sources, content, and scope of individuals' constitutional rights. Where Constitutional Law I addressed structural issues regarding the division of power between the federal and state governments and between the different branches of the federal government, this class focuses on individual rights protected by the Constitution. In particular, this course covers three different areas of substantive rights: substantive due process (or so-called "fundamental rights"), equal protection (including but not limited to jurisprudence regarding discrimination based on race and sex), and the First Amendment (which may include free speech rights and/or religious liberty).

**CONSTRUCTION LAW**

**COURSE NUMBER:** LAW 7877

**Professor:** Eiseman

**Credits:** 2

**Pre/Corequisite:** None

To be a successful real estate attorney, you need a basic understanding of construction law. Otherwise, your developer clients will not be able to maximize the return on their investments and, to make matters worse, they may unwittingly expose themselves to additional risk. This course will offer--via in-class role-playing and exercises--practical strategies and advice on how to identify and address construction-related issues between owners and their design professionals and contractors. The homework assignments--which will include reviewing contracts and pertinent caselaw--were selected to educate as to the fundamentals of construction law. The

class sessions will afford the opportunity to use that core knowledge to provide valuable and practical legal advice. As a result, when a problem arises, you will be able to offer an appropriate evaluation of the risk(s) involved, the options available and, ultimately, how best to proceed to enable your client to make the appropriate business decision. Among other things, the in-class sessions will address (i) from the developer's perspective, what to focus upon when negotiating contracts with design professionals and contractors; (ii) what to do when your client's project gets "liened" by an unknown subcontractor or supplier; (iii) from a legal perspective, whether any bona fide "guarantees" exist in the construction world; (iv) the various legal nuances that come into play depending upon which "delivery system" the owner selects to construct its project; (v) payment and change order disputes; (vi) project delay; and (vii) choosing the best forum for construction disputes.

### **CONSUMER BANKRUPTCY**

**COURSE NUMBER: LAW 7055**

**Professor:** Carlson

**Credits:** 2

**Pre/Corequisite:** None

This course focuses on the federal law of bankruptcy as it applies to individual (mainly consumer) debtors. It covers in detail the 2005 amendments to the Bankruptcy Code, which largely deal with consumer cases. Subjects covered include eligibility for bankruptcy, "means testing" in chapter 7 liquidations, bankruptcy discharge, exempt property, and chapter 13 wage earner plans.

### **CONSUMER RIGHTS FIELD CLINIC/SEMINAR**

**COURSE NUMBER: LAW 7768; 7989**

**Professor:** Coffey

**Credits:** 4 Pass/Fail credits (2 clinical credits for the field placement; 2 academic credits for the co-requisite seminar

**Corequisite:** Field Clinic Seminar

**Enrollment:** Open only to JD and LLM students who have been selected through the field clinic application process.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

Students externs work on consumer rights projects at selected legal services offices with advocates who are at the forefront of city- and state-wide consumer protection reform. Students assist in protecting the rights of low-income consumers against improper practices by the burgeoning third-party debt collection industry. These abusive practices have resulted in hundreds of thousands of consumers having bank accounts levied and wages garnished with no knowledge they were ever sued. Students staff consumer rights hotlines, conducting intake and providing brief advice; represent consumer clients in Civil Court; engage in community

education efforts; draft research memos and pleadings; and possibly assist in affirmative litigation and support legislative advocacy. In the co-requisite seminar students study poverty law with a focus on substantive consumer law, including the Fair Debt Collection Practices Act and debt defense, and on creative problem-solving to effect reforms. Taught by Carolyn Coffey, Supervising Attorney, Consumer Rights Project, MFY Legal Services.

<http://www.mfy.org/projects/consumer-rights-project/>

## **CONTEMPORARY CONFLICTS AND THE LAW**

**COURSE NUMBER:** LAW 7281

**Professor:** Pearlstein, Rona

**Credits:** 2 or 3

**Pre/Corequisite:** None

This course explores the laws regulating state use of force in the pursuit of national security. Beginning with an overview of the web of domestic and international law that constrains the exercise of state power – including international human rights law, international humanitarian law (the law of war), and elements of constitutional and statutory law – the course examines the legality of the state practices reported regularly on the front pages of today's papers. Topics to be addressed include state use of armed force in self-defense; targeted killing, detention, rendition and trial of terrorist suspects; problems of human intelligence collection; and the involvement of private security contractors in traditionally governmental functions. The final sessions of the course will look at the effectiveness of different methods by which states aim to secure compliance with law in this realm, including the role of the courts. Drawing as much as possible on case studies from recent events, the course will consider throughout the sufficiency of current laws to handle the challenges posed by contemporary conflicts, and explore options for addressing the dilemmas that remain.

## **CONTRACT DRAFTING**

**COURSE NUMBER:** LAW 7424

**Professors:** Various

**Credits:** 3 (2 academic, 1 clinical)

**Pre/Corequisite:** None

**Enrollment:** Open to JD students only; Limited to 16 students

**Skills Credit:** Successful completion of this course will award three (3) credits towards the JD experiential/skills credit requirement.

This course will provide hands-on training in the art of drafting, reviewing and marking up contracts – the heart of many transactional law practices. The goal is to make students more practice-ready by teaching skills that will enable them to draft contractual language to effectuate their clients' needs, and to anticipate and avoid potential legal disputes. Students will learn the basic principles of contract drafting by working through drafting exercises – in class, on their own, and in teams. Taught in small sections, the course will meet once a week for 2 hours, and

will be co-taught to maximize opportunities for individual written feedback on student work. Classroom time will focus both on reviewing weekly drafting assignments and on developing drafting strategies. The course will use “Drafting Contracts: How and Why Lawyers Do What They Do,” (2nd ed.) by Tina Stark. There is no final exam, though some sections may assign a final exercise.

Class attendance is required. To account for interviews or other emergencies, no sanction will be imposed for the following:

1. absence from one class and partial absence (lateness or early departure that exceeds 10 minutes in length) from a second class; or
2. partial absence from three separate classes.

The sanctions will be as follows:

1. For two absences, or four partial absences, or one absence and two partial absences, reduction in grade (e.g. from B+ to B).
2. For absences or partial absences beyond those listed in (1), failure in the course.
3. Lateness or early departure shall not constitute a partial absence if the lateness or early departure does not exceed 10 minutes in length, but persistent lateness may be considered in assessing a final grade.

## **CONTRACT DRAFTING FOR LL.M.S**

### **COURSE NUMBER: LAW 7426**

**Professor:** Gautier, Jillian

**Credits:** 3 (2 academic, 1 clinical)

**Pre/Corequisite:** None

**Enrollment:** Open to LL.M. students only; Limited to 8 students. Students must submit application per instructions from the Registrar to be considered for this course.

**Skills Credit:** Successful completion of this course will award three (3) credits towards the experiential/skills credit requirement.

This course will examine the role that contracts play in transactional law and how to properly draft and analyze contract language. Students will learn the basic principles of contract drafting by working through drafting and interpretation exercises – in class, on their own, and in teams. Students in this course will receive hands-on training by completing weekly assignments consisting of drafting, revising, analyzing, and marking-up contracts and contractual provisions. Students will receive individual written feedback on each assignment. The goal is to make students more practice-ready by teaching skills that will enable them to effectuate their clients' needs through contractual language, and to anticipate and avoid potential legal disputes. The course will meet once a week for 2 hours. There is no final exam, though there will be a final drafting assignment. Class attendance is required. To account for interviews or other emergencies, no sanction will be imposed for the following:

1. absence from one class and partial absence (lateness or early departure that exceeds 10 minutes in length) from a second class; or
2. partial absence from three separate classes.

The sanctions will be as follows:

1. For two absences, or four partial absences, or one absence and two partial absences, reduction in grade (e.g. from B+ to B).
2. For absences or partial absences beyond those listed in (1), failure in the course.
3. Lateness or early departure shall not constitute a partial absence if the lateness or early departure does not exceed 10 minutes in length, but persistent lateness may be considered in assessing a final grade.

**CONTRACTS [Required first-year course for JD students; tested on the Bar Exam]**

**COURSE NUMBER: LAW 6001; LAW 6002**

**Professor:** Engler, Goodrich, Weinstein, Gebru, Seligman

**Credits:** 5

**Pre/Corequisite:** None

Contracts is the study of binding, voluntary, private agreements. Contract law determines when parties have made an enforceable agreement, when one party can escape or adjust the obligation to which it has agreed, and the consequences for breaching an agreement. Like Property and Torts, this is primarily a course in the “common law,” that is, judge-made law consisting of prior judicial decisions rather than legislation or agency regulations. However, significant attention is also given to Article II of the Uniform Commercial Code, a model statute governing the sale of goods which has been adopted in most states.

**COOPS AND CONDOS**

**COURSE NUMBER: LAW 7420**

**Professor:** Sobelsohn

**Credits:** 2

**Pre/Corequisite:** None

This course focuses on the development and operation of condominiums, cooperatives, and homeowners associations with an emphasis on the practical considerations influencing developers/sponsors, unit owners, and governing boards. Topics covered include formation, ownership structures and management. Relevant statutes, rules and case law is examined as well as the practical issues facing attorneys representing these types of housing organizations. Also covered are Offering Plans, Attorney General regulations, transfer and assignment of ownership

interests, lease of units, unit owner responsibilities, house rules, defaulting owners, and board member obligations.

## **COPYRIGHT**

**COURSE NUMBER: LAW 7572**

**Professors:** Buccafusco, Manta

**Credits:** 3

**Pre/Corequisite:** None

This course explores what kinds of works and creations are protected by American copyright law; the various rights that come with copyright protection; and the principal limitations on those rights, including the “fair use” defense. Emphasis is placed on the historical development of copyright law, often in light of changing technology.

## **CORPORATE CRIMINAL LIABILITY AND THE FCPA**

**COURSE NUMBER: LAW 7132**

**Professor:** Keeney/Sloane

**Credits:** 2

**Prerequisite:** None; Recommended: White Collar Crime, Corporations

Over the last ten years, U.S. Department of Justice (DOJ) and the U.S. Securities and Exchange Commission (SEC) enforcement actions against corporations and their executives under the Foreign Corrupt Practices Act (FCPA) have risen exponentially. And the anti-corruption enforcement space is no longer driven solely by U.S. prosecutors/regulators: in the last five years, other countries have started to enact and/or implement anti-corruption laws and to particular in cross-border anti-corruption enforcement actions and other initiatives. Over the course of this semester, we will review legal and practical, domestic and international aspects of the FCPA and its enforcement regime. At the outset, we will address the overarching purpose of anti-corruption legislation, asking who corruption affects, how it does so, and whether the FCPA and its enforcement alleviates the impact of corruption on its victims. We will examine the FCPA’s statutory provisions (what it prohibits), as well as discuss the manner in which these provisions are operationalized to punish ongoing and prevent future corruption (how the government enforces the statute and what companies do to create and maintain a culture of compliance). Throughout the semester, students will be introduced to the practical aspects of conducting internal and government investigations in the anti-corruption space: we will review the mechanics of government interactions, document collection and review, interviews, as well as negotiating resolutions and calculating fines under the United States Sentencing Guidelines.

Knowledge of basic concepts of corporate criminal liability is essential to law firm practice and exposure to the FCPA is an asset given increased enforcement in this field. Engagement with the practical aspects of internal and government investigations prior to graduation will give students an advantage as junior associates staffed on investigations, securities, and criminal litigation

related matters.

### **CORPORATE FINANCE**

**COURSE NUMBER: LAW 7067**

**Professor:** Schroeder, Buchman

**Credits:** 2 or 3

**Prerequisite:** Corporations

Designed for law students interested in a career in corporate law, this course deals with legal, accounting and business issues underlying sources of funding and capital structure of modern business enterprise, as well as ways to maximize value of the business concern. The course will examine the methods of valuing the firm and its securities, various types of debt, preferred stock and convertible securities financing, as well as equity capital structure. It touches upon tax, accounting, banking, bankruptcy, secured transactions and many other areas of law and economics.

### **CORPORATE INTERNAL INVESTIGATIONS**

**COURSE NUMBER: LAW 7107**

**Professor:** Sparling

**Credits:** 2

**Prerequisite:** Corporations

This seminar will examine the legal and practical issues arising from the growing practice of lawyers conducting internal investigations of corporations. From dealing with the Department of Justice, law enforcement agencies, regulators, plaintiffs' counsel, the client, and preserving counsel's independent role, the seminar will cover the gamut of complex issues lawyers tackle in practice. Coursework will combine case studies of actual internal investigations, active class discussion, and course reading materials.

### **CORPORATE LOAN TRANSACTIONS**

**COURSE NUMBER: LAW 7073**

**Credits:** 3

**Prerequisite:** Corporations and Contracts

A primary component of a company's capital structure is the debt financing it receives from banks and other financial institutions in the form of corporate loans. This course will cover the basics of corporate secured lending transactions and will examine in detail the principal agreements governing the deal terms and relationships between borrowers, lenders and other credit parties, including credit agreements, security agreements, guarantees, commitment letters and term sheets. It will also cover the various laws and cases related to such transactions, and the importance of lawyers in this complicated process.

## **CORPORATE TAXATION**

**COURSE NUMBER: LAW 7611**

**Professor:** Zelinsky

**Credits:** 3

**Prerequisite:** Federal Income Tax

This course will examine different federal income tax consequences of choosing the corporate form of doing business. The topics discussed include: contributions by owners to the chosen entity form, distributions from the entity to its owners, dispositions of ownership interests, and corporate reorganizations.

## **CORPORATIONS [tested on the Bar Exam]**

**COURSE NUMBER: LAW 7060**

**Professors:** Yablon, Weinstein, Haas, Seligman

**Credits:** 4

**Pre/Corequisite:** None

The nature, formation, promotion, governance, and financing of corporations; issues that must be addressed when people decide to engage in business using the corporate form of organization; relations between management and shareholders; control problems in close corporations; the role of shareholders in publicly held corporations; social concerns and their relationship to principles of corporate governance; fiduciary duties of directors; the impact of selected federal securities laws on the governance and operation of corporations and the trading of securities; an introduction to transactions in corporate control. Designed so that students with no background in business can acquire an understanding and appreciation of the basic vocabulary, legal concepts and analytical skills.

There will be an accounting exam during the semester in addition to a final exam at the end of the term.

## **CREATIVITY, INNOVATION AND INTELLECTUAL PROPERTY**

**COURSE NUMBER: LAW7837**

**Professor:** Buccafusco

**Credits:** 2

**Pre/Corequisite:** None

Copyright and patent laws exist to manage the production of creativity and innovation. By establishing exclusive rights for authors and inventors, IP laws encourage people to create. But IP laws must also balance incentives to creators with opportunities for consumers and subsequent creators to use, adapt, and transform existing works and inventions. This course will examine the ways in which copyright and patent laws attempt to strike this balance. It will focus on legal and social scientific research on creativity, incentives, sequential innovation, and the public domain in order to assess the successes and failures of current IP law and policy.

Students may elect one of two mechanisms for evaluation. First, students can complete a substantial research paper on a topic chosen in coordination with the professor and due at the end of the term. Second, students can complete a series of analysis papers that will be due on a regular basis throughout the term.

### **CRIMINAL APPEALS CLINIC**

**COURSE NUMBER: LAW 7949; 7943**

**Note: This is a year-long course, split into Criminal Appeals Clinic I (fall) and Criminal Appeals Clinic II (spring)**

**Professor:** Neustadter

**Credits:** 3 credits during the fall semester (2 academic, 1 clinical) and 1 credit (clinical) in the spring semester. Credit is awarded only after completion of the spring semester.

**Pre- or Co-requisite:** Criminal Procedure and Evidence

**Enrollment:** Open only to 2nd-year JD students after selection through the spring clinic application process.

**Skills Credit:** Successful completion of Criminal Appeals I will award three (3) credits towards the JD experiential/skills credit requirement.

The seminar component of this course consists of intensive training in appellate advocacy with emphasis on writing and the evaluation and digesting of records on appeal. The seminar also covers specific problems of New York State criminal procedure, in particular: prosecutorial misconduct, judge's charges, search and seizure, confessions, identification testimony, and preservation of appellate issues. Pursuant to a special order of the Appellate Division, First Department, students enrolled in the Clinic also represent indigent appellants on appeal and argue the cases before the court. Such authorization is unprecedented in New York, and it presents an extraordinary opportunity for those students who participate.

Intensive training in appellate advocacy is imparted during the fall semester. Working almost exclusively through real transcripts of actual trials, this phase of the course emphasizes the crafts, skills, and cunning required to produce a first-rate advocate's brief. Students begin with a short brief-writing exercise based upon a rather simple transcript and work their way up to handling a lengthy and complex murder case for which each student writes a soup-to-nuts brief. All practice work is closely edited and analyzed.

The fall semester is designed to bring the students' skills up to the level where they will be equipped to undertake the more adventurous phase of the course during the spring semester. Each student is assigned to write the brief for an appeal from a serious felony conviction pending at the Appellate Division. Each student's work will be supervised by an experienced appellate practitioner, and the student will later appear at the Appellate Division to personally argue the appeal. Visits to the incarcerated client are expected.

Each Appeals Clinic student will be assigned to work on an appeal with an experienced appellate lawyer who will serve as both a faculty member in the clinic and as attorney of record for the

appeal. In the spring semester, the appeal will be briefed and prepared for argument by the student.

**CRIMINAL DEFENSE CLINIC [In-house clinic]**

**COURSE NUMBER: LAW 7941; 7941A**

**Note: This is a year-long course, split into Criminal Defense Clinic I (fall) and Criminal Defense Clinic II (spring)**

**Professor:** Oberman/Johnson

**Credits:** 6 credits each semester (3 academic, 3 clinical. Credit is awarded only after completion of the spring semester.

**Pre/Corequisites:**

- Prerequisite -- Evidence, Criminal Procedure (In some instances one of these may be considered as a corequisite).
- Co-requisite -- Intensive Trial Advocacy Program (ITAP).

**Enrollment:** Open only to JD students selected through the clinic application process.

**Skills Credit:** Successful completion of Criminal Defense Clinic I will award six (6) credits towards the JD experiential/skills credit requirement.

The Criminal Defense Clinic (CDC) is an intensive, year-long, in-house, live-client clinic in which students represent people charged with misdemeanors in Manhattan Criminal Court. In addition, students have the opportunity to work with experienced attorneys at the Legal Aid Society Criminal Defense Practice on their felony cases. The CDC offers students the opportunity to engage in an intensive study of New York criminal law, criminal procedure, and the ethical issues that define indigent criminal practice and the practical skills - analytical/problem-solving and courtroom-based- that are necessary to become an effective practitioner. While a commitment to practicing in this area is not required, it is highly preferred. The Clinic will also require students to locate and consider issues relating to indigent criminal defense practice in a broader social/political context.

The Clinic consists of a number of components: two, two-hour seminar sessions weekly, completion of the Intensive Trial Advocacy Program (ITAP) during the winter semester break, and ongoing, primary case responsibility on misdemeanor cases in Manhattan Criminal Court directly through the Clinic and in conjunction with a mentoring attorney in the Manhattan office of the Legal Aid Society Criminal Defense Practice.

Seminar sessions in the fall semester (structured around discussion of case law, statutes, historical and journal literature, as well as simulated exercises) prepare students to conduct initial client interviews, argue bail applications, engage in dispositional advocacy and, in every other way, assume primary responsibility for a client charged with a misdemeanor. Through individual and collective case conferences students then learn to develop a unifying case theory that shapes their factual investigation and legal development of the case. Thus, for example, students are responsible for conducting in-depth fact investigation of their cases, that may include locating and interviewing witnesses, and, where possible; acquiring documents, reports and other information by way of subpoena; and drafting any legal motions and memoranda that may be

necessary.

The focus in the spring semester is topic driven. The seminar is devoted to a) in-depth examination, through readings and classroom simulations, of the most frequently litigated areas of criminal procedure, focusing on Fourth, Fifth and Sixth Amendment issues, b) preparing students to litigate the various issues posed by their respective, and their mentoring attorneys', cases, and c) presentations by visiting faculty on topics of critical import to defense practice.

To maximize exposure to criminal practice and enhance the possibility that each student engage in some kind of court-based litigation, students from the start of the year are paired with an attorney in the Manhattan Office of the Legal Aid Society Criminal Defense Practice. Clinic students are encouraged to spend as much time as their schedules allow working with their mentor attorneys, assuming responsibility for additional misdemeanor cases, second-chairing felony hearings and trials, conducting fact investigations and drafting memoranda of law in connection with pending mentor cases. All work done with Legal Aid mentor attorneys is done under the direction and supervision of the Clinical faculty.

Finally, clinic students will be expected to assist Clinic faculty with cases, or projects, on which they are working, and/or engage in broader policy-driven initiatives or litigation with which the Clinic has become involved. Next year we anticipate partnering with the Special Litigation Unit of the Legal Aid Society and working with them on two or more cases on their current docket.

The Clinic is a two-semester course with students receiving six credits in each semester.

The Clinic will begin one week before the regularly scheduled start of school with an intensive three-or four day seminar that meets twice each day.

## **CRIMINAL JUSTICE AND SOCIETY COLLOQUIUM**

**COURSE NUMBER: LAW 7367**

**Professor:** Galperin

**Credits:** 2

**Pre/Corequisite:** None

This weekly seminar explores diverse issues in substantive and procedural criminal justice, and quasi-criminal processes. We consider the rule of law and the concept of justice in a range of problematic areas. In understanding constitutional limitations of defining criminal conduct, we study vagueness, status crimes, sexual relations, the right to bear (fire)arms, and ex post facto prosecutions such as Nuremberg's "crimes against humanity." Processes and requirements for bringing charges, standing trial, and sustaining convictions are critically analyzed, as are grounds for involuntary hospitalization, and detentions for reasons of "national security." The psychiatric defenses of "insanity" and "extreme emotional disturbance" are probed. The law and controversies surrounding capital punishment are examined. Throughout the course, United States Supreme Court opinions, New York statutes and court decisions, case studies, and secondary sources are used as the bases for class discussion.

Students selected for the Prosecutor Practicum must also enroll in the Colloquium. Students who apply but are not selected for the Practicum may still enroll in the Colloquium and students may enroll in the Colloquium without applying for the Practicum. A paper is required of all students and, subject to faculty approval, may fulfill the writing requirement.

**CRIMINAL LAW [Required first-year course for JD students; tested on the Bar Exam]**

**COURSE NUMBER: LAW 6101**

**Professor:** Huigens, Oberman, Yankah, Roth

**Credits:** 3

**Pre/Corequisite:** None

Criminal Law covers the basic principles of substantive criminal law. The course is concerned with when, and why, conduct is labeled and punished as "criminal." After examining the standard justifications for criminal punishment, the course turns to overarching issues of criminal liability: state-of-mind requirements, the law of attempts, defenses (such as insanity, duress, self-defense, impossibility, mistake), and conspiracy. Homicide is studied in detail; other crimes, such as rape and the various property crimes, may also be covered.

**CRIMINAL PROCEDURE [tested on the Bar Exam]**

**COURSE NUMBER: LAW 7118**

**Professor:** Huigens, Yankah, Oberman

**Credits:** 3

**Pre/Corequisite:** None

The focus of the course is on the constitutional issues in the administration of criminal justice. Specifically, the constitutional basis for federal review of state convictions, including differing interpretations of the 14th Amendment due process clause and the effect thereof; the right to counsel and a speedy trial; the fifth amendment privilege against self-incrimination; the fourth amendment prohibition of unreasonable search and seizures, including probable cause, the warrant requirement and "stop and frisk".

**CRIMINAL PROCEDURE II [tested on the Bar Exam]**

**COURSE NUMBER: 7119**

**Professor:** Huigens, Oberman

**Credits:** 2 or 3

**Pre/Corequisite:** None

This course covers the constitutional regulation of the criminal trial process. Topics include prosecutorial discretion, charging methods, discovery, the right to counsel, plea bargains, waivers of trial rights, confrontation of witnesses, joinder and severance of charges and parties, double jeopardy, and post-conviction review procedures. Please note that Criminal Procedure is not a prerequisite.

## **CRIMINAL PROCEDURE AND MASS INCARCERATION**

**COURSE NUMBER: LAW 7143**

**Professor:** Levine

**Credits:** 2

Mass incarceration remains a seemingly intractable problem despite reform efforts from both the right and the left. The Bill of Rights, seen by many as a bulwark protection for criminal defendants, has done little to rein in our enormous carceral state. This seminar will explore the root causes of mass incarceration through the lens of criminal procedure. The course starts from the premise that mass incarceration is a deeply entrenched problem in our society, and that reform is a moral and practical imperative.

The seminar will examine the various ways in which procedural rights have been formally granted and then, often informally, taken away. It will critically inquire whether the constitution can protect criminal defendants and will look to alternative solutions. We will look at racial and economic inequalities both historical and contemporary and question the ways in which entrenched biases have contributed and continue to contribute to the incarceration of the poor and people of color. And we will examine the agents of the criminal justice system, including police, prosecutors, and defense attorneys, with an eye toward how they have contributed to the problematic system that we have inherited.

This is not a lecture course. Students will be responsible for leading and contributing to the discussion every week. I expect students to analyze with a critical eye both the aspects of the criminal justice system that we will study, and the materials that we will read.

## **CRIMINAL TRIAL PRACTICE**

**COURSE NUMBER: LAW 7104**

**Professor:** Greenaway

**Credits:** 2

**Pre/Co-requisite:** Evidence

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

This course allows students the opportunity to learn through active participation. Students will partake in a veritable soup to nuts of criminal trial practice – jury selection, opening and closing arguments, direct and cross examinations – culminating in a trial. No exam. No paper. Your grade is based on your classroom presentations. This class is limited to 16 students.

## **CRITICAL RACE THEORY**

**COURSE NUMBER: LAW7512**

**Professor:** J. Kim

**Credits:** 2

**Pre/Corequisite:** None

Since America's inception, race has been inextricably linked to the law, shaping, among other things, individual lives, public policy, and the institutions that govern us all. This course will

explore Critical Race Theory, a political, legal, an intellectual movement focused on interrogating the intersection of race and the law and dedicated to dismantling racial inequality and subordination. In particular, this seminar will analyze the historical origins of race and racial identity, the underpinnings of institutional racism, and basic assumptions about law and society's ability to redress racial injustice. Grades will be based on participation in class discussion and a term paper.

#### **CRITICAL SECURITY STUDIES (NEW SCHOOL)\*\***

**Professor:** Silina, P. Hoffman

**Credits:** 2

**Pre/Corequisite:** None

Are we secure yet? Or does our increasing investment in security discourses result from a gnawing and growing sense of insecurity? Lives and livelihoods, elections, economies, industries, institutions and international relations revolve around issues of security. The concept is dramatic enough to warrant the use of military force and declare states of emergency, and malleable enough for political rhetoric and fashion marketing. This course will critically explore the concept of security as a central organizing principle of the modern social order and its contemporary trajectory. This course concerns critical thinking about security—the active analysis, synthesis, and application of information in ways that interrogate and elucidate established ideas. This is not a course on security policy or threats per se, but about understanding security as a dynamic organizing category with (very) real world effects. Topics include the fundamental interrelation between security and social order, including classic political, sociological and psychological approaches that conceive of security as the underlying logic of modern society and the contemporary international system, critical assessments of conventional security frameworks, and current trajectories of security, such as technologies of control and surveillance, networked organizational forms, privatization and commodification, and the shifting nature of emergencies and intervention.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

#### **CYBER SECURITY: A PRACTICAL APPROACH**

**COURSE NUMBER: LAW**

**Professors:** Brown/Pastore, Howard/Pastore

**Credits:** 2

**Pre/Corequisite:** None

The class will explore cybersecurity and cybercrimes from a practitioner's view. What are cybercrimes? How are they prosecuted? And how do cybercrimes affect their victims? The professors – former and current federal prosecutors -- will draw on their many years of

experience fighting cybercrimes to explore these questions.

## **DEPARTMENT OF FINANCIAL SERVICES (DFS) FIELD CLINIC**

**COURSE NUMBER: LAW 7818; LAW 7817**

**Professor:** MacCormack/Montgomery

**Credits:** 4 credits (2 clinical + 2 academic) for the semester

**Pre/Corequisite:** None

**Enrollment:** Open to JD and LL.M. students who have been selected through the clinic application process.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

The mission of the New York State Department of Financial Services is to reform the regulation of financial services in New York to keep pace with the rapid and dynamic evolution of these industries, to guard against financial crises, and to protect consumers and markets from fraud. To that end, the Department is responsible for supervising and regulating the activities of nearly 1,900 banking and financial institutions with assets of more than \$2.9 trillion, and 1,700 insurance companies with assets exceeding \$4.2 trillion. Some of the Department's recent initiatives include investigating abusive pay-day lending practices, reforming the force-placed insurance industry, putting a stop to international money-laundering, helping New Yorkers recover from losses related to Superstorm Sandy, and saving nearly \$500 million for health insurance consumers.

This field clinic will provide students with a highly engaging, interactive experience with the Department's seasoned legal practitioners. Students will be placed in the office of the general counsel or in one of the Department's five divisions – Banking, Insurance, Financial Frauds and Consumer Protection, Capital Markets, and Real Estate Finance (see here for more information about each division: [http://www.dfs.ny.gov/about/dfs\\_about.htm](http://www.dfs.ny.gov/about/dfs_about.htm)). Students will immerse themselves in the regulatory arena through researching, proposing, and drafting regulation, preparing for and attending meetings with advocacy groups and industry representatives, and providing counsel to division supervisors concerning the Department's authority and strategy to regulate certain financial products and services. In addition to gaining this real-world experience, students will have the opportunity through the seminar to learn about the history, structure, and mission of the Department, to step into the role of senior advisors to the Superintendent, and to present ideas for Department initiatives.

## **DESIGN LAW**

**COURSE NUMBER: LAW 7487**

**Professor:** Buccafusco

**Credits:** 2

**Pre-requisite:** Copyright or Trademark; Professor Buccafusco will consider one of these

classes as a co-requisite on a case by case basis.

This course will offer a doctrinal and practical overview of the legal protections available for product design, including copyright, utility patent, design patent, and trade dress laws. Students will learn the substantive features of these legal regimes, what they cover and what they do not, and the ways in which they interoperate. The doctrinal portion of the course will focus primarily on US law, but non-US jurisdictions will be addressed occasionally for purposes of comparison. After instruction in the doctrinal issues arising in design law, the course will include presentations from attorneys and product designers in order to give students a richer understanding of the field and how they may best counsel clients. Students will also offer mock advising for potential clients. By the end of the term, students will have developed a robust knowledge of both the substantive and practical aspects of design law.

#### **DISABILITY LAW AND ITS IMPLICATIONS**

**COURSE NUMBER:** LAW 7807

**Professor:** Salzman

**Credits:** 2

**Pre/Corequisite:** None

In this survey course of federal disability law and policy, we will focus on federal laws such as the Americans with Disabilities Act that prohibit disability-based discrimination in employment, access to public services and accommodations, education, health care, and decision making. The course will examine the implications of our disability rights laws and policies—what those laws and policies say about our conceptions of what it means to “have a disability,” their impact on the lives of people with and without disabilities and on the society in which we all live, and whether they achieve justice. The course will provide students with an introduction to the major legal issues in the field of disability rights law and the essential ethical and philosophical questions about if, and when, it is appropriate to treat persons with disabilities differently so that they are treated equally. In doing so, the course will explore ways in which disability rights laws differ from laws created for other protected groups.

#### **DISPUTE RESOLUTION PROCESSES**

**COURSE NUMBER:** LAW 7319 (JD) ; LAW 7319B (LLM)

**Professor:** White

**Credits:** 2

**Pre/Corequisite:** None.

**Enrollment:** Mediation Clinic students are precluded from enrollment. This course will be offered in 2 sections – one JD only and the other LL.M. only.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

The course explores the theory behind and the advantages and disadvantages of both primary (negotiation, mediation, arbitration and litigation) and “mixed” (“med-arb,” court-annexed

arbitration, non-binding arbitration, neutral evaluation, the summary jury trial, private judging, and the mini-trial) dispute resolution processes. Students explore both theory and skills connected to service as a neutral and service as an advocate in the various processes, as well as theories of matching the most optimal process to a particular dispute and of designing dispute resolution systems and clauses.

## **DISTRESSED REAL ESTATE**

**COURSE NUMBER:** 7422

**Professor:** Carlson

**Credits:** 2

**Pre/Co-requisite:** None

This course studies mortgages--security interests where real estate is the collateral. Foreclosure, landlord-tenant relations in light of mortgage default, and federal bankruptcy proceedings in light of real estate foreclosures are treated in detail. The emphasis is on New York law as a case study of mortgages, though national patterns will also be emphasized.

## **DIVORCE MEDIATION / DIVORCE MEDIATION (SUMMER INTENSIVE)**

**COURSE NUMBER:** LAW 7796; 7713

**Professor:** Berner, Collins

**Credits:** 2 or 3 (The regular semester-long course is 3 credits; the summer intensive course is 2 credits and meets over the course of one week prior to the beginning of the semester.)

**Pre/Corequisite:** None

**Enrollment:** Students who have taken or are taking the Mediation Clinic can enroll only with the permission of Professor Love or Erez-Navot.

**Skills Credit:** Successful completion of the 2-credit version of this course will award two (2) credits towards the JD experiential/skills credit requirement. Successful completion of the 3-credit version of this course will award three (3) credits towards the JD experiential/skills credit requirement.

This course will examine the role of mediation in resolving family disputes, focusing on divorce. Students will explore the theory, practice and techniques of mediation as applied to divorce and parenting conflicts, including: an examination of the options for dealing with conflict and an exploration of the spectrum of alternative dispute resolution processes; theories on structuring the mediation process; insights into defusing emotional issues in negotiations, and, learning the techniques necessary to conduct an effective mediation. All the legal issues that arise in divorce, such as division of property, parenting of children, tax issues, and child and spousal support will be examined, with an emphasis both on absorbing the fundamental points of law as well as learning how to guide people to informed decision-making as a mediator. Divorce mediation role plays will be integrated throughout the course to provide experiential learning of the material. Students can expect to leave the course with a working knowledge of family mediation; the three-credit version this course may also meet the training requirements for membership in the ACR (Association of Conflict Resolution), formerly the Academy of Family Mediators.

**DIVORCE MEDIATION CLINIC / ADVANCED DIVORCE MEDIATION SEMINAR [in house clinic]****COURSE NUMBER: LAW 7716****Professor:** Collins**Credits:** 3

**Pre-requisites:** Enrolling in the January, 2016 two-day Tutorial; or, prior completion of either section of the semester-long Divorce & Family Mediation course, or the August one-week Intensive course; or, prior completion of both the Mediation Clinic and Family Law; or, equivalent experience.

**Enrollment:** Open only to JD and LLM students who have been selected through the clinic application process; limited to 12 students

**Skills Credit:** Successful completion of this course will award three (3) credits towards the JD experiential/skills credit requirement.

Divorce mediation has become an accepted alternative to litigation in the resolution of the complex issues raised by family reorganization, and this course is designed to provide students individual mediation experience and practical insight into family law practice. While the clinic is ideal for those considering incorporating divorce mediation into their practice after graduation, it also provides useful practical experience for students interested in either ADR or family law.

One day each week, students serve as mediators at the courthouse in matrimonial cases referred from the Supreme Court through a program of the Office of Court Administration. Students co-mediate with the instructor at the start of the semester; they then progress to act in student co-mediation teams, and have opportunities to mediate solo, all under direct faculty supervision. Students are responsible for mediating every aspect of divorce, including the couple's parenting arrangements, child support questions, asset division, spousal maintenance, grounds, and tax issues; students then draft settlement agreements and prepare and file the divorce papers. A two-hour seminar once each week focuses on issues of custody, support and equitable distribution, an analysis of mediation techniques and methods, a discussion of cases currently in the Clinic, and controversial topics in mediation, such as the limits of confidentiality, the appropriateness of mediating when domestic violence has occurred, and ethical questions concerning conflicts of interest in drafting legal documents.

Students must be available for a four-hour block of time for mediations each week -- from Noon to 4:00 P.M. on Tuesdays or Wednesdays, or from 10:00 A.M. to 2:00 P.M. on Thursdays or Fridays; in addition, there is a 2-hour weekly seminar on Tuesdays from 6:00 to 7:50 P.M. In addition to the four hours spent at the courthouse mediating, students will be expected to devote an additional four hours every week to related practice tasks such as drafting separation agreements and divorce papers for their couples, reviewing and critiquing mediation sessions, observing mediations, journaling their experiences, preparing a seminar presentation on a relevant topic of their selection, and independent study and field work projects.

## **DOMESTIC VIOLENCE AND CHILD ABUSE**

**COURSE NUMBER: 7715**

**Professor:** Lucibello/Hochhauser

**Credits:** 2

**Pre/Corequisite:** None

The course focuses on the investigation, prosecution and defense of domestic violence and child abuse cases. We begin by focusing on the varying roles of the attorneys in the criminal justice system generally and then narrow our focus to account for particular considerations pertaining to the subject matter. From there, we examine the dynamics of abuse and consider how these impact the investigation and litigation process. We discuss evidentiary issues and strategic considerations. Using case examples and in-class litigation exercises, we apply what we have learned to real case situations. By tackling these challenging and complex issues, we learn what it is to be an advocate and how to improve our skills in representing our clients.

## **E-DISCOVERY, DIGITAL EVIDENCE AND COMPUTER FORENSICS**

- COURSE NUMBER: LAW 7992**

**Professor:** Gabriel

**Credits:** 2

**Pre/Corequisite:** None

Electronic discovery has become a critical component of all major litigations as the key evidence increasingly consists of e-mail and electronic documents. This course will teach you the law of e-discovery, practical best practices and provide exposure to the technology behind it all. You'll learn how your computer works, and why it's so hard to truly delete anything. Even if you're a technophobe, the technology aspect of the course should not overwhelm you, you will learn what a lawyer needs to know. The focus will be on making you competent as to the legal obligations of e-discovery. The course will include speakers on various e-discovery topics and provide tips (and mentoring) on how to launch a career involving e-discovery. In a world where most litigators are incompetent as to e-discovery, this course can improve your marketability.

## **ELECTRONIC COMMERCE**

**COURSE NUMBER: LAW 7020**

**Professor:** Schroeder

**Credits:** 2

**Pre/Corequisite:** None

This course will cover the use of the internet and electronic communications in commerce. Topics will include legacy (i.e. credit and debit cards and wire transfers) and new (eBay, stored value "cards", smart-phone payments, etc.) payment systems, the use of intangible property in finance and evolving commercial applications, such as crowd-funding, the economies of on-line games and digital "currencies" such as Bitcoin.

**ELEMENTS OF LAW [Required first-year course for JD students]****COURSE NUMBER: 6202****Professors:** E. Stein, Shaw, Newman**Credits:** 2**Pre/Corequisite:** None

Elements of Law teaches how to read, analyze, and use judicial decisions and statutes. Without focusing on a particular body of substantive law, the course addresses questions of method that recur in all legal areas, including analogical reasoning, relying on and distinguishing judicial precedent, statutory interpretation, and the role of the judge.

**EMPLOYEE BENEFITS, PENSIONS, ERISA AND EXECUTIVE COMPENSATION****COURSE NUMBER: LAW 7615****Professor:** Zelinsky**Credits:** 3**Pre/Corequisite:** None; Recommended: Federal Income Tax

An introduction to the legal framework governing pensions (including 401k plans), employee benefits and executive compensation. The course will concentrate on the provisions of the Internal Revenue Code and the Employee Retirement Income Security Act (ERISA) as they regulate pensions, employee benefits and executive compensation. While not required, it is recommended that students in this course have successfully completed the introductory course in federal income taxation.

**EMPLOYMENT DISCRIMINATION I: TITLE 7 AND THE ADEA****COURSE NUMBER: LAW 7543****Professor:** Jacobson**Credits:** 3**Pre/Corequisite:** None

Employment Discrimination I will address issues raised by Title VII of the Civil Rights Act of 1964, covering discrimination based on race, sex, religion, color and alienage. It will also address issues raised by the Age Discrimination in Employment Act of 1967.

**EMPLOYMENT DISCRIMINATION II: PROCEDURE AND THE ADA****COURSE NUMBER: LAW 7544****Professor:** Jacobson**Credits:** 3**Pre/Corequisite:** None

Employment Discrimination II will address issues raised by the Americans With Disabilities Act of 1990, religious discrimination and the procedural issues that typically arise in litigating employment discrimination claims.

## **EMPLOYMENT LAW**

**COURSE NUMBER: LAW 7547**

**Professors:** Suk, Weisenfeld

**Credits:** 3

**Pre/Corequisite:** None

A survey course covering the statutory and common-law rules governing the employer-employee relationship. Among the issues to be considered in this course include employment at will, employment discrimination, the regulation of wages and hours, laws governing employee leaves of absence from work, workplace health and safety, and the enforcement of employee rights.

## **ENTERTAINMENT LAW**

**COURSE NUMBER: LAW 7836**

**Professors:** Eisenberg/Rienecker

**Credits:** 2

**Pre/Corequisite:** Copyright (LL.M. students may take Copyright as a pre- or co-requisite; International LL.M. students that have taken Copyright in their home country satisfy the prerequisite.)

Review of the key legal concepts and issues that bear on the content, acquisition and distribution of creative works in motion pictures, television, and new electronic media. The course focuses on the constellation of rights and legal issues that are at the heart of entertainment law practice -- among them copyright, right of publicity, use of trademarks in creative works (parody, criticism). Protection of ideas and rights in fictional characters, moral rights, etc. Discussion of some of the international legal aspects of these issues, with particular attention to issues raised by the Internet.

## **ENVIRONMENTAL ECONOMICS (NEW SCHOOL)\*\***

**Professor:** Howell

**Credits:** 2

**Pre/Corequisite:** This is an advanced course. Basic knowledge of economics is required. Prerequisite NURP 5001 Economics for Management and Public Policy or equivalent level coursework.

The objective of this graduate-level environmental economics course is for students to be able to use economic concepts to assess environmental problems and policy design. The course will provide the theory and analytical tools for addressing environmental externalities, valuation of natural resources and environmental services, and design of effective, efficient and equitable environmental policies. The course will begin with an overview of economic principles (market failure, externalities, public goods, valuation, etc.), continuing into the application of economic incentives and instruments relevant in the environmental context (regulation, pollution taxes, emissions trading, etc.). There will also be some exploration of other environmental economic theories and approaches (ecological economics, natural capital accounting, and green growth).

The economics of addressing global environmental challenges like climate change will also be considered, as will the intersection between economic globalization and the global environment. Students will apply environmental economics theory and analytical tools to particular real-world case studies and problems, including in different types of countries at different levels of development. This is an advanced course. Basic knowledge of economics is required.

Prerequisite NURP 5001 Economics for Management and Public Policy or equivalent level coursework.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

## **ENVIRONMENTAL LAW**

**COURSE NUMBER: LAW 7471**

**Professor:** Herz

**Credits:** 3

**Pre/Corequisite:** None

This course begins with a survey of the ecological and economic justifications for government regulation to protect the environment. It then examines different strategies and tools for doing so. The primary focus is on three major federal anti-pollution statutes: the Clean Air Act, the Clean Water Act, and Superfund. In addition, we will consider the common law as a source of environmental protection, Environmental Impact Statements and other information-based regulatory strategies, and economic instruments such as emission taxes and marketable permits, and the developing law surrounding global climate change. Depending on time and student interest, we may touch on the intersection of international trade and the WTO with environmental protection, the Endangered Species Act, and land use issues. However, this is primarily a course about pollution and the protection of public health; we will not spend much time on natural resource issues, wilderness protection, endangered species, and the like.

This is a survey course. Because environmental law is predominantly statutory, students will have to come to grips with some statutory minutia; there is a statutory supplement. The overall goal, however, is not to learn the endless details of these complex statutes but to introduce the basic problems and approaches that characterize contemporary environmental regulation.

## **EQUITABLE DISTRIBUTION – SEE, NY FAMILY LAW: EQUITABLE DISTRIBUTION**

## **ESTATE & GIFT TAXATION**

**COURSE NUMBER: LAW 7621**

**Professor:** Cunningham

**Credits:** 2

**Pre/Corequisite:** None (please note that Federal Income Taxation is not a pre-requisite for this course).

A survey of the federal taxes on donative wealth transfers, including the estate, gift, and generation-skipping taxes. We will study the evolution of the rules behind the taxes, as well as their role in estate planning. Subjects include items included in the transfer tax base, deductions from the base (including the marital deduction), and the role of the unified credit, as well as the annual exclusion from gift taxes and the exemptions from the generation-skipping transfer tax.

## **ETHICS FOR THE BUSINESS ATTORNEY**

**COURSE NUMBER: LAW 7757**

**Professor:** Michael Stone

**Credits:** 2

**Pre/Corequisite:** None

This is an interactive two credit course which explores the practical application of the law governing lawyers. This course will expose the student to a wide range of ethical issues facing the practitioner and will focus on the ethical obligations of the business or corporate attorney with special emphasis on confidentiality, conflicts and the attorney-client privilege under the *New York Rules of Professional Conduct*. With the large number of high profile corporate scandals, including the emission scandal at Volkswagen and ignition switch problems at General Motors, as well as the ongoing debate regarding the legality of the recreational use of marijuana, it is important that the practitioner understand the unique issues, challenges and conflicts facing the business attorney. We will also consider the impact of the *Sarbanes Oxley Act* and *Dodd Frank Wall Street Reform and Consumer Protection Act* on a lawyer's obligations to the corporate client.

This course satisfies the Professional Responsibility requirement and meets one of the elective course requirements for the *Concentration in Compliance and Risk Control*.

## **ETHICS IN LITIGATION**

**COURSE NUMBER: LAW 7759**

**Professor:** Ross

**Credits:** 2

**Pre/Corequisite:** None

This course examines a broad range of ethical rules and principles which govern the conduct of attorneys in civil litigation. Among the topics to be addressed will be the ethical limits to witness preparation; how attorneys should deal with questionable and possibly false evidence; the limits

on acquiring evidence; the ethical limits imbedded in the negotiation and settlement process; conflicts of interest issues in the litigation process; how the ethics rules govern attorney fee issues; and the interplay between the separate codes of ethics for lawyers and judges.

#### **EUROPEAN LEGAL INSTITUTIONS AND THE HOLOCAUST**

**COURSE NUMBER: LAW 7256**

**Professor:** Weisberg

**Credits:** 2

**Pre/Corequisites:** None

The seminar explores the ways in which law played a key role in facilitating the genocide in Europe during World War II. With a focus on the fully functioning and highly dissimilar legal systems of the Third Reich and Vichy France, we examine the discourse of judges, lawyers, law professors and government officials relating to “the Jewish question.” We explore the grotesque “jurisprudence” that rationalized discrimination, expropriation, imprisonment and death. We examine the postwar response of law to the horrors, and we explore very recent attempts in American federal courts to bring a measure of justice to Holocaust victims and their heirs. Throughout, our work is designed to integrate what we learn into the present-day understanding of how lawyers behave and speak, particularly during a “state of exception” or perceived crisis. Each student will be responsible for an oral presentation and a final paper.

#### **EVIDENCE [tested on the Bar Exam]**

**COURSE NUMBER: LAW**

**7330**

**Professor:** Roth, E. Stein, Capra

**Credits:** 4

**Pre/Corequisite:** None

Evidence law is a system of rules and standards that regulates proof of facts in adjudication. This course will conduct a study of the law of evidence under the federal model (Federal Rules of Evidence) and its state equivalents. This study will include: the nature of fact-finding in adversarial trials; generalizations and judicial notice; burdens and standards of proof; relevancy, probative value and prejudicial effect; character evidence; witness testimony and its trial examination, including impeachment; the hearsay rule, its principal exceptions and the Confrontation doctrine; the opinion rule, expert testimony and the workings of scientific data in courts; authentication of documentary and physical evidence and the “best evidence” doctrine; and, finally, the evidentiary privileges grounded upon policies extraneous to fact-finding.

#### **THE FIRST AMENDMENT AND THE TENSIONS BETWEEN POLITICAL ORDER AND POLITICAL LIBERTIES**

**Professor:** Rudenstine

**Credits:** 3

**Pre/Corequisite:** None

This course focuses on legal developments concerning political order and political freedom for the

century between World War I and the present. During those 100 years, the nation experienced periods of intense political repression (e.g., the teens, the twenties, and the fifties) and periods of extraordinary political liberty (e.g., the sixties and the seventies). At times, Supreme Court decisions enabled repression; at other times its decisions defined magisterial landmarks of freedoms. To understand the shifts in doctrine, this course pays close attention not only to what the Court wrote, but also to the historical period in which the justices wrote what they did. The last part of the course focuses on contemporary legal developments, especially those sparked by the presidency of Donald Trump.

**FAMILY LAW [tested on the Bar Exam]**

**COURSE NUMBER:**

**LAW 7711**

**Professor:** E. Stein, S. Stone

**Credits:** 3

**Pre/Corequisite:** None

This course examines federal and state laws concerning familial relationships (broadly construed). The course focuses on legal familial relations between adults, specifically: who can get married; the rights, duties, and obligations of marriage; the state's interest in marriage; the dissolution of marriages; and the distribution of property upon dissolution. The course also considers alternatives to marriage, inter-racial families, and same-sex familial relationships. Special attention will be paid to policy-based and theoretical questions about families.

**FASHION LAW**

**COURSE NUMBER: LAW 7731**

**Professors:** Kolsun

**Credits:** 3

**Pre/Co-requisite:** Trademark Law

This course will cover the principal facets of fashion law, the business law specialty that deals with the everyday problems, legal issues, and commercial challenges of fashion and apparel companies, including both their wholesale and retail operations. Covered topics will include ethical challenges within the legal department of fashion companies; IP protection of apparel, accessories and textiles including recent proposed changes to expand U.S protection of fashion; the implications of counterfeiting and various civil and criminal methods of policing counterfeit goods; expansion of fashion brands in domestic and international markets, both directly by brand owners and through licensing; antitrust; international trade (import and duty issues); labor and employment; marketing, advertising and promotion of luxury brands; retail leases; and litigation of disputes in fashion and retailing.

**Fashion Law Drafting – See, Intellectual Property Licensing and Drafting**

## **FASHION LAW PRACTICUM**

**COURSE NUMBER:** LAW 7744

**Professor:** Kolsun/Hand

**Credits:** 2 (1 academic, 1 clinical)

**Prerequisite:** Fashion Law

**Skills Credit:** Successful completion of this course will award one (1) credit towards the JD experiential/skills credit requirement.

This class is a simulation course that focuses on legal issues in the global fashion industry. Students in this class will provide advice, under the supervision of a lawyer with expertise in fashion law, to graduate students at the Fashion Institute of Technology doing group projects in a capstone course in Global Fashion Management. The law students will be assigned to groups of FIT students and will be involved in various stages of the projects, acting as legal counsel would in a real world global fashion business development project.

## **FEDERAL COURTS**

**COURSE NUMBER:** LAW 7301

**Professor:** Adams, Reinert, Rudenstine

**Credits:** 3

**Pre/Corequisite:** None

No other nation state has a judicial system as complex and as powerful as the United States' multilayered and decentralized judicial systems. At the center of the U.S. judicial systems is the federal courts and at the apex of the entire system is the U.S. Supreme Court. Since the early twentieth century, that court has become a primary definer and enforcer of federal rights, especially constitutional rights, and it has taken a leading role in defining the relationship between the federal government and the fifty states. This course explores the scope and limits of the power of the federal courts as defined by its jurisdiction and remedial authority, and it assesses the power of congress to restrict and allocate judicial authority among federal and state courts as well as Article III courts, legislative courts and administrative agencies.

## **FEDERAL CRIMINAL LITIGATION FIELD CLINIC/SEMINAR - SOUTHERN DISTRICT OF NEW YORK**

**COURSE NUMBER:** LAW 7769; 7770

**Professor:** Echenberg/Ortiz

**Credits:** 4 (2 clinical credits for the field placement; 2 academic credits for the co-requisite seminar)

**Corequisite:** Field Clinic Seminar

**Enrollment:** Open only to JD and LLM students who have been selected through the field clinic application process.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

Students are placed in the Criminal Division of the United States Attorney's Office for the Southern District of New York, one of the busiest and most-respected prosecutorial offices in the federal system. Students work closely with Assistant United States Attorneys representing the federal government on a wide range of criminal matters, among them the prosecution of terrorism, organized crime, securities fraud, international narcotics trafficking, the dismantling of violent street gangs, credit card fraud, identity theft, computer hacking, and public corruption.

Students will be exposed to the practical and ethical issues surrounding: criminal trials and investigations, guilty pleas, sentencing, and working with the various actors in the criminal justice system, including law enforcement agents, cooperating defendants, and crime victims. Taught by adjunct professors who are prosecutors at the US Attorney's Office for the Southern District of New York.

## **FEDERAL INCOME TAX**

**COURSE NUMBER: LAW 7601**

**Professor:** Cunningham, Engler, Zelinsky

**Credits:** 4

**Pre/Corequisite:** None

This course introduces students to the basic conceptual issues underlying the income tax. The course will focus on the statutory framework of U.S. tax laws, and will include frequent discussion of federal tax policy, as well the history and politics of U.S. income tax. Topics will include inclusions and exclusions from income, gains and losses, computation of tax liability, accounting methods and other timing issues, and non-recognition provisions. Finally, this basic tax course will present brief overviews of concepts explored in more detail in advanced courses for which this course is a prerequisite, including Corporate Tax and Partnership Tax.

## **FIRST AMENDMENT**

**COURSE NUMBER: LAW 7499**

**Professor:** Weisberg

**Credits:** 2 or 3

**Pre/Corequisite:** None.

This course covers the history of the First Amendment and cases addressing the Religion, Speech, and Press Clauses. Students will be required to read historical materials as well as case law. They will also be required to track legal developments in the popular press involving the First Amendment.

## **FIRST AMENDMENT, THE PRESS, AND THE DEMOCRATIC ORDER**

**COURSE NUMBER: LAW 7516**

**Professor:** Rudenstine

**Credits:** 3

**Pre/Corequisite:** None

This course exams the role of the press in a governing structure legitimated by the consent of the governed. The Constitution guarantees a democratic order and a free press while also assuring national security and the protection of individual rights. These multiple goals frequently and intensely clash. This course will review the justifications for press freedoms and the specific legal doctrines that result from the conflict between press freedoms and other important considerations. It is hoped that prominent members of the press and the legal community will be occasional guests.

#### **FORENSIC PSYCHIATRY AND PSYCHOLOGY**

**COURSE NUMBER:** 7392

**Professor:** Galperin

**Credits:** 2

**Pre/Corequisite:** None

This seminar treats the role of psychiatry and psychology in the law, both civil and criminal. The differing functions, constitutional and ethical issues for forensic and clinical mental health professionals are analyzed. The forensic expert's methodology and diagnostic tools, and means of communicating with the courts and parties are examined. Competency, criminal responsibility, and involuntary hospitalization in various contexts are studied. We also look to the future of psychiatry and psychology in an ever expanding forensic world. A forensic psychiatrist and psychologist are guest speakers.

A paper is required of all students.

#### **GENDER AND DEVELOPMENT (NEW SCHOOL)\*\***

**Professor:** Weisgrau

**Credits:** 2

**Pre/Corequisite:** None

This course will explore the multiple constructions of gender in development and political discourse; the intersection of gender with other social categories and with economic and political trends; and the reflection of gender norms and goals in development policies and interventions. Through the course readings and discussions, we will consider how different gender norms inform local, national, regional and global politics of development, and how they shape the strategies and activities of civil society organizations, state institutions and international actors. We will interrogate stated and implied models of feminism and masculinity in state and development discourses, and their sociocultural as well as policy implications. We will also critically examine current practices for integrating gender concerns in development policies, programs and projects.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is**

received from the New School.

## **GLOBAL CORPORATE COMPLIANCE**

**COURSE NUMBER:** LAW 7813

**Professor:** Koch

**Credits:** 2 or 3

**Pre/Corequisite:** None

This course will explore the basic elements of a compliance program in financial and other corporate institutions. We will discuss management's oversight of compliance programs and the regulatory and statutory requirements that are key ingredients. As we proceed through the semester we will be building a program that should meet the requirements of regulatory and enforcement agencies.

## **GLOBAL GOVERNANCE (NEW SCHOOL)\*\***

**Professor:** Silina, P. Hoffman

**Credits:** 2

**Pre/Corequisite:** None

This seminar explores the structures, actors and processes of global governance through a focus on international organizations. The first part of the course introduces key debates in global governance and examines the origin and development of international organizations. The second part of the course investigates different theoretical and analytical approaches to studying global governance and international organizations - including rationalist, sociological, domestic and critical approaches - and the ways they give rise to different puzzles and research strategies. The third part of the course applies these theoretical perspectives to the study of the role of international organizations in areas related to global security and global political economy. The final part of the course examines emerging issues of global governance, including the rise of private authority, the role of global civil society, the European Union as a "model" for global governance, and the role of the United States and international organizations. By the end of the course participants should gain a deeper analytical understanding of recent theoretical and empirical developments in the field of global governance and international organizations.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

## **HEALTH CARE REFORM FIELD CLINIC AND SEMINAR**

**COURSE NUMBER:** LAW 7771; 7990

**Professor:** Zoubul

**Credits:** 4 (2 clinical credits for the field placement; 2 academic credits for the co-requisite seminar)

**Corequisite:** Field Clinic Seminar.

**Enrollment:** Open only to JD and LLM students who have been selected through the field clinic application process.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

The ongoing controversy surrounding Obamacare (aka “the Patient Protection and Affordable Care Act of 2010”) highlights the range of opinions regarding the proper role of public and private sectors in financing and delivering health care services. It also deeply implicates the individual’s relationship to government, doctors, and the medical-industrial complex. As America continues its century of experimentation with different health insurance models, our government now seeks to reduce costs, increase quality, and improve access to care. But how are individual consumers affected by these various reforms at the Federal and State level?

This clinic puts students on the front lines of these historic changes. Students will be placed with dynamic non-profit organizations providing education, advice, and representation to low-income consumers facing problems accessing health care. Past placements include the Legal Aid Society, Medicare Rights Center, and New York Lawyers for the Public Interest. Students will advocate on behalf of Medicaid and Medicare beneficiaries denied benefits and services with administrative agencies and in appeals; provide seniors technical assistance in Part D drug plans; help frame, research and conduct community education and legislative initiatives; and research and write in support of impact litigation. The seminar will provide an overview of the fragmented patchwork of insurance, including employer-based, Medicare, Medicaid, and the Health Benefits Exchange. It will also focus on problems common to all systems, and provide practical skills training in representing clients before administrative agencies and private health plans.

## **HEYMAN-ACCA IN-HOUSE COUNSEL EXTERNSHIP PROGRAM**

**COURSE NUMBER:** LAW 7904

**Professor:** Jenn Kim

**Credits:** 2

**Pre/Corequisites:** Corresponding Externship Seminar

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

In the in-house counsel program, upper-level students gain experience doing legal work on behalf of corporations. Students take a mandatory accompanying seminar on substantive law and professionalism related to the externship.

**HISTORICAL JEWISH MOOT COURT****COURSE NUMBER: LAW 7879****Professor:** Stone**Credits:** 2

The Historical Jewish Law Moot Court course aims to introduce participants to Jewish law as it was practiced in the early modern period. The focus is on the application of Jewish law under concrete historical conditions through instruction and moot court competition. Attention is also paid to conflicts of laws issues, the law of the ius commune which is based on Roman law, and to legal history.

Instruction will take place during two intensive trips: Feb 23-28 in Jerusalem, Israel and July 20-29 in Vienna, Austria. Airfare, lodging, and most meals will be paid for by Cardozo and the other host institutions, which are University of Vienna Law, Moscow State Law, Tel Aviv Law, Hebrew Univ Law. Participants will be students of all these institutions and it is therefore a unique networking opportunity.

**HOBBES, LAW AND THE STATE****COURSE NUMBER: LAW 7409****Professor:** M.Stone**Credits:** 2

**Pre/Corequisite:** None; however, please be aware that this is a specialized course, jointly listed with the New School Philosophy Department. It is most suitable for students with a background in philosophy, legal theory or literary theory. The course will meet nearby at the New School.

This seminar will read-through and discuss Thomas Hobbes's 17th Century masterpiece of political theory, Leviathan, paying special attention to his account of law, political authority and legal obligation. Other topics to be encountered in this classic text include science and reason, action and passion, rights, sovereignty, crime and punishment, and church and religion. Please note: This course is cross listed as a graduate seminar in Philosophy at The New School, but it open to Cardozo students with an interest in in political and legal theory. The course will meet at the New School (a short walk from Cardozo).

\*\*Please note: This class will meet OFFSITE at the New School and will follow the New School's schedule. Interested students should refer to the New School's academic calendar (available on their website) or consult Professor Stone about the class meeting dates.\*\*

**HOUSING FINANCE AND REAL ESTATE DEVELOPMENT (NEW SCHOOL)\*\*****Professor:** Larson, Enderlin**Credits:** 2**Pre/Corequisite:** None

The development and redevelopment of urban real estate, especially housing, is examined from a public policy perspective. Through case studies, students learn the development process and master the basics of project-level real estate economics. Emphasis is on the financial structure of real estate ventures, including tax efforts, and how a variety of public policies can influence

private development activity.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

**HOUSING POLICY (NEW SCHOOL)\*\***

**Professor:** Alex Schwartz

**Credits:** 2

**Pre/Corequisite:** None

Housing policy, like welfare, health, education, and other social policy arenas, is undergoing fundamental reexamination and debate. Not only are objectives and implementation at issue, the very need for housing policy is itself in question. This course provides the background necessary to be an informed participant in this debate and to develop conceptual tools necessary to formulate and implement housing policy. The course introduces key concepts and institutions, emphasizing economic, institutional, and political forces that influence the production, distribution, maintenance, and location of housing. The first part covers the context for U.S. housing policy, including housing market dynamics, housing finance, taxation, and racial discrimination. The second part traces the evolution of federal, state, and local housing programs, with emphasis given to low-income rental housing. The course includes a combination of lectures, class discussion, and videos and concludes with a field trip to a community development corporation.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

**HOW JUDGES DECIDE**

**COURSE NUMBER:** 7200

**Credits:** 2

**Pre-requisite:** None

This class will explore fundamental questions about judging through conversations with and interviews of judges, lawyers and journalists. Whether a case is a civil or criminal matter, one which will be decided by a jury or a judge, the question of how judges decide any of the myriad of

issues they confront is critical. The subject is not often explored beyond the simplistic formulation that judges research the law, apply the facts and then reach a conclusion. But this description ignores all of the essential inputs about just what guides a judge in figuring out the law, and finding the facts and applying one to the other. How does a judge's personal background influence the decision making process? What choices does a judge have when trying to decide how to interpret a statute? Does popular opinion influence how judges decide cases? Should it? Rather than try to understand these and related questions solely from what academics and critics of the system have said, this class will explore these issues and ideas by talking to judges, and lawyers who appear before them. Federal and state court Judges will participate in class and will be interviewed by us and you about cases the judges have selected. They are largely cases which could have "gone either way". You will be required to interview judges in class about the assigned readings, and each of you will have an opportunity to be the "lead" questioner during the semester. The goal is to try to get some understanding of the judge's values, his or her assessment of the equities and personalities in the case, and any other psychological or human factors that went into their decision-making.

### **HUMAN RIGHTS & ATROCITY PREVENTION CLINIC [IN-HOUSE CLINIC]**

**COURSE NUMBER: LAW 7123; 7122**

**Professor:** Getgen-Kestenbaum, et al

**Credits:** 6

**Pre/Co-requisite:** some background in International and/or Human Rights law is preferred.

**Enrollment:** Open only to students accepted through the clinical application process.

**Skills Credit:** Successful completion of this course will award six (6) credits towards the JD experiential/skills credit requirement.

The Human Rights and Atrocity Prevention (HRAP) Clinic is the only law school clinic in the country focused on human rights, mass atrocity prevention, accountability and justice for atrocity crimes (war crimes, crimes against humanity, and genocide). Guided by its original purpose to remember the Holocaust, the Clinic honors the memory of those victims by being responsive to present contexts in which atrocity crimes are perpetrated and identifying contexts in which atrocities might be prevented. In a world with unprecedented numbers of refugees fleeing conflicts and oppression, the Clinic assists victims of human rights abuses and asylum-seekers in reclaiming rights and receiving justice. At the same time, the Clinic gives law students first-hand experience with a wide range of professional skills, focusing on the skills needed to promote respect for human rights and advance accountability, justice and social change.

HRAP Clinic projects require students to think strategically about complex legal issues, to approach legal challenges from a multiplicity of angles, and to analyze situations of conflict in which facts are unclear or evolving. HRAP cases provide students the opportunity to hone legal research and writing skills, a mainstay of any lawyer's work. The Clinic is committed to helping law students graduate from Cardozo as capable, well-trained, compassionate professionals.

Clinic students work in small teams on human rights projects and/or asylum cases. On the human rights docket, students support domestic human rights litigation, assist international law experts, collaborate with leading international non-governmental organizations (NGOs) on transitional justice issues, and advance human rights issues affecting forced migrant populations. Students

gain important skills by researching international and comparative law; writing legal briefs, memos, or policy papers; and engaging in fact-finding, litigation, or other human rights advocacy. Clinic projects focus on the following areas: international human rights law, international criminal law, international humanitarian law, asylum and refugee law, genocide prevention, and transitional justice.

On the asylum docket for academic year 2016-2017, the Clinic has two individual asylum cases going to trial in immigration court. Students preparing for trial will write and deliver opening and closing statements, assist in the preparation of expert reports, examine witnesses, prepare briefs, assemble evidence for submission, and prepare the Clinic's clients for trial. In addition to developing these courtroom skills, students will sharpen other lawyering proficiencies like interviewing, client counseling, cross-cultural lawyering, legal research and writing, and advocacy.

This casework will be complemented by a two-day orientation program (on the Thursday and Friday before the fall semester commences) and a seminar that meets weekly. The Seminar builds students' core competencies for professional legal practice by critically analyzing the relevant legal frameworks and introducing students to important lawyering skills through discussion, case conferencing on Clinic projects, simulations and other exercises. The Seminar also teaches basic concepts in international human rights and refugee law and the particular ethical, practical and legal issues that arise in the context of advocating on behalf of a client or in the interest of vulnerable populations.

## **ILLIBERAL CONSTITUTIONALISM & THE FUTURE OF CONSTITUTIONAL DEMOCRACY**

**COURSE NUMBER: LAW 7150**

**Professor:** Rosenfeld

**Credits:**

**Pre-requisite:**

In the 1990's, after the fall of the Soviet Union, liberal constitutionalism going hand in hand with a global expansion of capitalism and a vastly increased protection of a widening array of fundamental individual rights seemed to be spreading worldwide. Liberal constitutionalism is committed to "checks and balances" and more specifically to the following four imperatives: 1) limitations on the powers of government; 2) adherence to the rule of law; 3) protection of fundamental rights; and 4) safeguarding the essentials of democracy. During the past decades, however, as discontents over globalization have multiplied, liberal constitutionalism has come under increasing attacks. On the one hand, in certain countries, such as China, Egypt and Venezuela, the trend has been squarely toward consolidation of anti-democratic authoritarianism. In other countries, on the other hand, liberal constitutionalism has given way to illiberalism or liberal conceptions and interpretations of the constitution have been challenged by illiberal ones. Thus, for example, Hungary replaced its liberal constitution by a new illiberal one in 2012. At the same time, in countries such as the US and some European countries, women and LGBTQ rights have become increasingly pitted against freedom of religion and discrimination based on religion claims.

Illiberal constitutionalism, often associated with populism, has targeted--in the words of Viktor Orban, Hungary's prime minister and one of its foremost champions-- what it casts as liberal constitutionalism's "permissive individualism", "ruthless capitalism", and "emphasis on checks and balances". In contrast, illiberal constitutionalism, emphasizes national pride, traditional culture, the majority or mainstream religion, and family values. Although illiberal constitutionalism has been attacked as a foil for, or precursor to, populist authoritarianism, its defenders argue that it can satisfy the essentials of constitutionalism just as

its liberal counterpart can. For its advocates, illiberal constitutionalism embodies superior values than those of its liberal counterpart and is more responsive to the needs and aspirations of the people than to those of the polity's elites. illiberal populist constitutional democrats can insist that they adhere to constitutional essentials just as their liberal counterparts do.

Illiberal constitutional democracy can in principle adhere to the rule of law; afford protection to fundamental rights—albeit interpreted consistent with an ideology based on “traditional” values as opposed to one grounded on permissive individualistic morality; and adhere to (populist) democracy. Moreover, whereas illiberal democracy rejects liberal “checks and balances”, it need not therefore fail to impose limitations on the powers of government. Indeed, the illiberal democrat, in sharp contrast to the authoritarian ruler who eschews elections or rigs them, can point to direct control of the governors’ powers by the people through periodic elections—as has been thus far the case in countries such as Hungary and Poland.

The rise of illiberal constitutionalism poses several crucial questions regarding the future of constitutional democracy. Does the clash between illiberal and liberal constitutionalism boil down to an ideological confrontation over fundamental values--a veritable *Kulturkampf* pitting a populist right (but also plausibly an anti-*status quo* left) against an elite dominated vision—that remains well within the precincts of constitutional democracy? Have globalization and its economic, social, political and ideological consequences undermined the nation-state which some argue remains the *sine qua non* foundation of constitutionalism? And if that were the case, would illiberal constitutionalism cause a swing back of the pendulum or prove the best means to preserve constitutionalism against increasingly daunting challenges? Or, on the contrary, is illiberal constitutionalism but an intermittent stage of, or a disguise for, a full transition to authoritarian populism or eventually even to authoritarianism *tout court*? If true constitutionalism is inextricably tied to liberalism, can proponents of liberal constitutionalism mount a principled and convincing defense against illiberal constitutionalism and associated populisms of the left or the right? Do populisms of the right or those of the left pose greater threats to constitutional democracy? How do social media impact the struggle between liberal and illiberal discourse? Does social media displace the role and the impact of a democratic press? How does the use of social media disrupt democratic practices?

One of the notable recent developments is that proponents of illiberal values and visions of the constitution have appropriated the vocabulary and the rhetoric of liberal constitutionalism for use against the latter, and in many cases for countering liberalism seemingly from within. Accordingly, certain momentous changes have occurred in the approach to fundamental rights cases. In past decades, there had been a very significant expansion of civil liberties in cases pitting the individual against the state. In more recent times, in contrast, a backlash against maintenance or expansion of liberal rights has been often accompanied by a shift toward conflicts between fundamental rights. For example, the freedom of religion right of one individual is pitted against women’s right to equality; or the freedom of speech right of a baker is set against LGBTQ persons’ rights against discrimination. Moreover, those challenging established liberal rights have increasingly cast their claims in liberal garb. Are claims against expanding liberal rights a threat to, or a needed recalibration of, constitutional democracy? Are liberal and illiberal conceptions of fundamental rights equally compatible with the flourishing of constitutionalism? Does a shift from a liberal to an illiberal vindication of fundamental rights ultimately threaten constitutional democracy? Would constitutional democracy be best served by seeking a balance between liberal and illiberal conceptions of fundamental rights?

Another feature of many illiberal constitutional regimes is the challenge of constitutional adjudicators as anti-majoritarian actors and as authoritative interpreters of the constitution. Tellingly, in both Hungary and Poland the powers of constitutional courts and the validity of their precedents have been drastically

curtailed. Are the illiberal attacks on courts qualitatively different than similar periodic attacks within the ambit of liberal democracies?

The Colloquium will present a wide variety of perspectives on the above issues and others related to them through weekly presentations of original papers by an international and interdisciplinary group of leading scholars engaging in groundbreaking work. Papers will be circulated in advance, and each week's presenter will discuss his/her contribution with the conveners and student and other participants at the Colloquium.

**IMMIGRATION JUSTICE CLINIC [IN-HOUSE CLINIC]**

**COURSE NUMBER: LAW 7779; 7878**

**Note: This is a year-long course, split into Immigration Justice Clinic I (fall) and Immigration Justice Clinic II (spring)**

**Professor:** Markowitz/Nash/

**Credits:** 13 for the year (7 clinical – 4 in the fall and 3 in the spring, 6 academic – 3 in each semester)

**Pre/Corequisite:** None; however experience with, or demonstrated interest in, criminal and/or immigration matters, either through course work or practice, will be a positive factor in the selection process.

**Skills Credit:** Successful completion of Immigration Justice I will award seven (7) credits towards the JD experiential/skills credit requirement.

Cardozo's Kathryn O. Greenberg Immigration Justice Clinic is an intensive, in-house, live-client clinic in which students represent immigrants in deportation and related proceedings. In addition, students have the opportunity to represent immigrant community-based organizations engaged in impact projects on cutting edge immigration issues. (This clinic is one of two different Cardozo immigration law clinics, the other being the semester-long Immigration Law Externship).

The clinic's docket focuses on immigrants facing deportation because of encounters with the criminal justice system. The nation's harsh deportation laws are at their harshest when immigrants have criminal convictions. Even long-term permanent residents (green card holders), who have lived in the United States since childhood, can face permanent exile from their children, homes, and livelihoods for matters as minor as turnstile jumping or shoplifting candy. Students in this clinic will have an extraordinary opportunity to confront the injustices of this system and make a monumental difference in the lives of their clients.

In the cases before the immigration courts, students may have the opportunity to conduct trials, examine witnesses, and draft and argue motions. In the deportation defense cases in federal court, students will have the opportunity to brief and possibly argue important questions of law that may impact, not only the lives of our clients, but all immigrants facing deportation in the jurisdiction. In impact projects, students will have the opportunity to work on impact litigation and provide other legal support for community-based and national advocacy organizations engaged in systemic reform efforts seeking to curb abusive or illegal immigrant enforcement and detention practices. Students will also gain other important lawyering skills pertaining to interviewing, client counseling, negotiating, legal research and writing, cross-cultural lawyering, trial techniques, and appellate advocacy.

In this clinic, students will perform all aspects of their client's representation together with a

colleague and under the intensive supervision of a practicing attorneys and full-time members of the Cardozo clinical faculty. The seminar associated with the clinic will cover some substantive aspects of immigration law, lawyering skills development, ethical issues, and social/political analysis of the immigration laws affecting our clients.

There is no required prerequisite for this course but experience with, or demonstrated interest in, criminal and/or immigration matters, either through course work or practice, will be a positive factor in the selection process. This clinic is an excellent opportunity for any student interested in a career in immigration or criminal law or social justice or community-based lawyering of any kind.

### **IMMIGRATION LAW**

**COURSE NUMBER:** 7781

**Professor:** Chua

**Credits:** 2

**Pre/Corequisite:** None; Recommended: Constitutional Law I, and/or Administrative Law

This course provides a theoretical and practical overview of U.S. immigration law and policy. The development of immigration law will be studied against historical and political contexts. We will also discuss methods by which individuals are granted permission to enter the United States, permitted to stay, and required to leave, as well as debates over issues such as forced migration and citizenship. By the end of the semester, students should gain an understanding of the complexities of immigration law and policy, as well as some facility analyzing the Immigration and Nationality Act (INA) and associated case law.

The final grade will be based primarily upon the results of the final examination. Class attendance and participation are also important and may impact the final grade by up to one third of a grade (e.g., from A to A-).

### **IMMIGRATION LAW FIELD CLINIC AND SEMINAR**

**COURSE NUMBER:** LAW 7738; 7737

**Professor:** Nash, Hickey, Menschel

**Credits:** 4

**Pre or Co-requisite:** None

**Enrollment:** Limited to JD and LLM students chosen through the clinic application process.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

Students will work in various community-based nonprofit organizations assisting attorneys who provide direct client service in matters including applications for asylum; applications for permanent residence (including self-petitions by victims of domestic violence); applications for T visas (for trafficking victims) and U visas (for victims of crime); special immigrant juvenile

applications; and applications for U.S. citizenship. Responsibilities will include preparing memoranda of law, drafting affidavits, completing immigration forms, performing intake, and meeting with clients.

The seminar, taught by an experienced immigration attorney and adjunct professor, will meet once a week and will provide students with an overview of immigration law and the various government agencies involved in its administration; include opportunities to build skills (such as statutory interpretation and interview skills) and discuss substantive law and ethical issues; and give students the chance to share and reflect on their experiences.

Externs will be matched with host organizations based on areas of interest, experience, and host needs. Placement options are expected to include the following:

- Catholic Charities, <http://www.catholiccharitiesny.org/what-we-do/welcoming-and-integrating-immigrants-and-refugees/welcome-overview/>
- The City Bar Justice Center, <http://www2.nycbar.org/citybarjusticecenter/projects/immigrant-justice/>
- CONNECT, <http://www.connectnyc.org/>
- Hebrew Immigrant Aid Society, <http://www.hias.org/>
- The Legal Aid Society, Immigration Law Unit, <http://www.legal-aid.org/en/civil/civilpractice/immigrationlawunit.aspx>
- The New York Legal Assistance Group, <http://www.nylag.org/immigrant-protection-unit>
  
- Sanctuary for Families, [http://www.sanctuaryforfamilies.org/index.php?option=com\\_content&task=view&id=141&Itemid=164](http://www.sanctuaryforfamilies.org/index.php?option=com_content&task=view&id=141&Itemid=164)

## INDEPENDENT RESEARCH

**COURSE NUMBER: LAW 7911**

**Professor:** Various

**Credits:** 1 or 2

**Pre/Corequisite:** None

In unusual circumstances, where an area of student interest is not covered by any other course in the curriculum, students may pursue independent research papers with a faculty member. Credit for independent research papers require a substantial research paper completed no later than the end of the semester during which credit is awarded. Extensions will not be granted unless the student demonstrates exceptional circumstances. Extensions require approval both by the faculty member and by the Dean of Students.

Independent Research is available only under the supervision of a full-time faculty member, who must approve the student's topic before registration. Both the faculty member and the Vice Dean must approve the Independent Research project. The faculty member and the Vice Dean should

sign the Independent Research Form, which is available from the Office of the Registrar. The student should then submit the completed form to the Office of the Registrar. Students must turn in the Independent Research paper both to the supervising professor and to the Vice Dean. The Vice Dean's office will check all Independent Research papers to make sure that they do not duplicate in any significant measure papers submitted in other courses. If the Vice Dean's office finds duplication, the student will receive a failing grade for both the Independent Research paper and the course, and the matter will be referred to the Academic Standards Committee for disciplinary action.

No JD student may apply more than a total of three credits of Independent Research towards the 84 credits required to graduate. During any single semester, students may register for (1) or (2) credits, depending on the scope of the project.

#### **INDIE FILM CLINIC [IN-HOUSE CLINIC]**

**COURSE NUMBER: LAW 7986**

**Professors:** Greenberg-Kobrin

**Credits:** 4

**Pre or Co-Requisite:** Copyright

**Enrollment:** One-semester clinic; Open only to JD and LLM students who have been selected through the clinical application process.

**Skills Credit:** Successful completion of this course will award four (4) credits towards the JD experiential/skills credit requirement.

The Indie Film Clinic at Cardozo is a transactional legal clinic which provides free legal services to student filmmakers and smaller budget independent and documentary filmmakers. Its purpose is to teach practical lawyering skills such as interviewing, negotiating, and contract-drafting to upper-level JD students and LLMs.

The clinic has two components: (1) clinical work on client projects and (2) seminar instruction in legal issues related to independent film production. Students will get hands on experience issue-spotting filmmaker-clients' needs and drafting production contracts and other transactional documents under the supervision of the clinic staff. Although both the clinical work and the discussion of topics in the seminar will focus to a certain extent on intellectual property rights issues, other substantive areas, including idea submission, rights of publicity, contract law, and employment law, will be covered as well.

#### **INDIGENOUS RIGHTS IN THE AMERICAS**

**COURSE NUMBER: LAW 7130**

**Professors:** Getgen-Kestenbaum/Frizzo-Bargato, Getgen-Kestenbaum

**Credit:** 2

**Pre/Corequisite:** None

Indigenous, Aboriginal and First Nations peoples are the poorest, most marginalized groups in the Americas. Trapped in a cycle of exclusion, discrimination and underdevelopment as a consequence of colonial conquest, atrocity crimes—including genocide, dispossession of lands, and forcible transfer of populations—and assimilationist policies, indigenous peoples have

fought for their survival as nations and way of life as peoples. Much of this struggle has centered on sovereignty, land rights and security of tenure as a large percentage of indigenous groups rely on land for access to food, livelihoods, housing and development. In addition to economic security, land is significant for maintaining their identities, religious practices, and for cultural reproduction.

Although international and domestic legal frameworks have been advancing toward indigenous rights protections, discriminatory practices and competing interests persist, contributing to continued systematic dispossession of indigenous traditional territories and violations of fundamental rights of indigenous peoples throughout the region. This seminar will cover the historical evolution and contemporary issues surrounding international, regional and domestic law frameworks designed to protect the rights of indigenous peoples in the Americas. It will apply critical human rights and atrocity prevention lenses to examine the main threats and challenges to indigenous peoples' continued survival as peoples, and we will draw upon historical and contemporary case studies—from the Dakota Access Pipeline resistance at Standing Rock to the land claims of the Guarani-Kaiowa peoples in the high courts of Brazil—to provide context and enrich discussions.

This seminar will meet weekly for 2 hours. Class will be a mix of mini-lectures, group discussions, and small group work. Class attendance and readings are mandatory. Students will receive a grade based on attendance, meaningful class participation, weekly short (1 to 2-page) reflection memos, and a 20 to 25-page paper on an indigenous rights topic of their choice related to the subject matter covered in seminar.

## **INFORMATION GOVERNANCE LAW**

**COURSE NUMBER: LAW 7017**

**Professors:** Borden/Garrie, TBD

**Credits:** 2

**Pre/Corequisite:** None.

This course explores emerging legal and practical challenges faced by corporations managing “big data.” Students will learn how companies in different industries address global and domestic data privacy, cyber security, investigations and discovery, data mining/usage, records management, compliance and associated risk. Students do not need a technology or computing background; the course will cover what a lawyer needs to know about technical aspects of corporate information. The course will include speakers on various Information Governance topics and provide tips (and mentoring) on positioning yourself for a career involving Information Governance. In addition to giving students a strong doctrinal foundation in this rapidly-evolving area of law, this course will position students to take advantage of the many and varied professional opportunities opening up in this field of practice.

**CLINIC]****COURSE NUMBER: LAW 7966****Professor:** Scheck et al.**Pre- or Co-requisite:** Criminal Procedure**Credits:** Full-year clinic, 5 credits per semester (3 clinical, 2 academic) plus 1 credit for summer component.**Enrollment:** Open only to JD students selected through the clinic application process.**Skills Credit:** Successful completion of this course will award six (6) credits towards the JD experiential/skills credit requirement.

Students take a seminar focusing on forensic DNA techniques (RFLP and PCR-based tests) that can be used to exonerate prisoners wrongfully convicted. The seminar component covers statutory and constitutional problems in obtaining state and federal post-conviction relief as well as the law surrounding the use of various forensic testing procedures from hair comparisons and conventional serology to DNA testing itself. The clinical component requires students to handle Innocence Project cases under faculty supervision.

**INNOVATIONS IN JUSTICE****COURSE NUMBER: LAW 7180****Professor:** Love**Credits:** 2**Pre/Corequisite:** None

This 2-credit course introduces students to the innovative ideas and practices around a justice approach where individual and community building and healing is at the forefront in the wake of dysfunction, calamities and crimes. This alternate approach is in contrast to a retributive system of justice where punishment, proportionate to the offense, is doled out to offenders and where victims are often sidelined. Students will explore the philosophical and theoretical underpinnings of restorative and therapeutic justice and practice, in class, different techniques associated with various approaches. Students will also be asked to observe up to 6 hours in the community, related to their chosen research project and to write a significant paper which captures both their scholarly and field research.

**INSURANCE LAW****COURSE NUMBER: LAW 7080****Professor:** Sebok**Credits:** 3**Pre/Corequisite:** None

The course surveys the nature, function, regulation of and varieties of insurance, including property, liability, life, health, and automobile insurance. Primary emphasis is on the insurance contract and its interpretation, particularly coverage disputes between policyholder and insurer. The major approaches to insurance contract construction are reviewed, applied, and analyzed.

The course surveys the law of policyholder and insurer rights and obligations as well as the rights of third parties and regulators. It also examines doctrines regarding waiver, estoppel, bad faith, the duty to defend, settlement prerogatives, and conflict of interest.

## **INTELLECTUAL PROPERTY AND INFORMATION LAW COLLOQUIUM**

**COURSE NUMBER: LAW 7993**

**Professor:** Wu, Burstein

**Credits:** 2 or 3

**Enrollment:** Only open to those students selected through the application process.

The focus of this advanced Intellectual Property course are presentations by six distinguished intellectual property and information law scholars, who discuss their scholarship with faculty, practitioners, and a select group of Cardozo students enrolled in the course. During these sessions, the visiting scholar will present her work, and the students will then take the lead in the workshop, critiquing the paper and asking questions of the presenter. For those students who are selected, the Colloquium offers an opportunity to engage deeply with cutting-edge scholarship and participate in discussions with faculty from Cardozo and elsewhere.

Students may choose to register for the colloquium seminar for either two credits or three credits. All students will write short comments for each of the papers presented, which will be shared with the visiting scholars. Students will also write a seminar paper on a topic of their own choosing, with the three-credit option requiring a more substantial paper (>30 pages), comparable to a student note. Either the two-credit or the three-credit paper may be used to satisfy the writing requirement.

Enrollment in the Colloquium is by application only. Students will be selected based on a combination of academic achievement, relevant experience, and a demonstrated interest in exploring intellectual property and information law scholarship.

## **INTELLECTUAL PROPERTY ENFORCEMENT**

**COURSE NUMBER: LAW 7489**

**Professor:** Kolsun/Pressment

**Credits:** 2

**Prerequisite:** Trademark Law

This course is designed to enhance students' understanding of the legal tools available to the owners of intellectual property (IP) rights for the enforcement and maintenance of those rights. We will study various forms of IP including but not limited to copyrights, trademarks and patents; enforcement bodies charged with administering IP laws; legislative proposals; ethical considerations; and the application of IP laws to emerging technology and non-traditional media. Special emphasis will be placed on how the United States regime of IP protection comports with those of other countries, and the difficulties associated with curbing counterfeiting and infringing activity abroad, particularly in China.

## **INTELLECTUAL PROPERTY EXTERNSHIP**

**COURSE NUMBER: 7842; 7974**

**Professor:** Various

**Credits:** 2

**Pre/Corequisites:** Corresponding Externship Seminar

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

Open only to those students chosen through the Intellectual Property Externship Program application process. Students must also register for the corequisite(s) as outlined in the application materials.

#### **INTELLECTUAL PROPERTY LICENSING AND DRAFTING**

**COURSE NUMBER: LAW 7775**

**Professor:** Jetter

**Credits:** 2

**Prerequisite:** None; **Recommended:** Copyright, Trademark or Fashion Law

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

Intellectual Property is integral to most commercial transactions and forms the basis upon which companies and other entities transact business. This advanced course will build on the substantive law and business issues which are raised in other Intellectual Property classes by exploring various commercial relationships and relevant documentation to develop practical drafting and negotiation skills fundamental to any IP lawyer. This course will address intellectual property licensing and the drafting and negotiation of documents, such as: letters enforcing IP rights, memoranda, non-disclosure agreements, letters of intent, licensing agreements in the fields of fashion and technology, sponsorship agreements, and consulting agreements. The focus will be on drafting and negotiation skills, which are used to address the IP interests typical to a broad range of business industries.

(This class was formerly known as Fashion Law Drafting. It is not open to students that took it under the prior course title.)

#### **INTENSIVE TRIAL ADVOCACY PROGRAM (ITAP)**

**COURSE NUMBER: LAW 7363**

**Professor:** Sternheim, plus guest instructors

**Credits:** 3

**Prerequisite:** Evidence (may be waived by the Director)

**Enrollment:** Open only to JD students. Interested LLM students should contact Peter Walsh at [pwalsh@yu.edu](mailto:pwalsh@yu.edu).

**Skills Credits:** Successful completion of this course will award three (3) credits towards the JD experiential/skills credit requirement.

**STUDENTS MAY TAKE ANY 2 OF THE FOLLOWING TRIAL ADVOCACY COURSES, BUT NOT ALL 3: (1) INTRODUCTION TO TRIAL ADVOCACY, (2) ADVANCED TRIAL ADVOCACY, AND (3) ITAP.**

This is a hallmark, intensive program of individualized instruction in trial advocacy taught between fall and spring semesters by a faculty of experienced civil and criminal trial attorneys from the metropolitan area. Students learn and practice fundamental skills involved in direct and cross examination, the introduction of documents and tangible objects into evidence, opening and closing statements, and making a record (objections, offers of proof, motions in limine). Daily class participation, individual reviews of student performance on videotape, as well as demonstrations and lectures by outstanding practitioners, culminate with each student conducting a one-day mock trial before a jury. ITAP is taught in small groups of 10 and instructors seek to create a supportive atmosphere in which even those students who doubt their ability to do trial work feel comfortable. National Institute of Trial Advocacy (NITA) court materials are used.

Approximately 130 students will be permitted to enroll. Enrolled students should watch for posted notices regarding the materials fee and the scheduling of mandatory organizational meetings during the fall semester.

Please note that there is an extra charge for this course in addition to tuition. Scholarships are available.

ITAP is mandatory for members of the Criminal Defense Clinic.

**INTENSIVE TRANSACTIONAL LAWYERING PROGRAM (ITRANS)**

**COURSE NUMBER: LAW 7374**

**Professors:** Greenberg-Kobrin/Gautier

**Credits:** 3

**Pre/Corequisite:** None; Recommended: Corporations

**Skills Credit:** Successful completion of this course will award three (3) credits towards the JD experiential/skills credit requirement.

What is it like to work as a transactional lawyer? This two week intensive course brings transactional law to life. Using a realistic simulation of an M&A deal, students become immersed in the transaction process and gain the critical fundamental skills needed to effectively reach their clients' goals. Working in teams, students "learn by doing" contract drafting, transactional issue analysis, negotiations, communications, matter management, due diligence, preparation of closing documents and client service. The intensive experience includes interactive workshops with exercises, keynote speakers, guided drafting work sessions, "client" meetings, coaching and feedback, and negotiation strategy, practice and debrief sessions, all designed to provide students ample opportunities to develop their skills. The course culminates with the final deal negotiation. Students are taught by Cardozo full-time and adjunct faculty, along with respected lawyers in transactional practice who provide practical experience-based coaching and feedback throughout the program, and who observe and critique the final negotiation. This is a pass/fail course. Attendance at all sessions is mandatory.

## **INTERNATIONAL AND COMPARATIVE TAX**

**COURSE NUMBER: LAW7681**

**Professor:** Engler

**Credits:** 3

**Pre/Corequisite:** None

The “international” component of this course examines the United States federal income taxation of international operations and transactions. This coverage will include analysis of US tax treaties. The “comparative” component of this course considers the approaches taken by some other countries in certain key areas (such as the taxation of intellectual property). Taken together, these two components respond to the increasingly globalization of business transactions.

## **INTERNATIONAL BUSINESS NEGOTIATIONS**

**COURSE NUMBER: LAW 7410**

**Professor:** Meade

**Credits:** 3

**Pre/Corequisite:** None; Recommended: Corporations (taking concurrently is also fine); Negotiation (or prior negotiating experience).

**Skills Credit:** Successful completion of this course will award three (3) credits towards the JD experiential/skills credit requirement.

This course is structured around a semester-long, simulated negotiation exercise which is intended to provide an in-depth study of the structuring and negotiating of an international business transaction. This class will be taught in counterpart at Fordham Law School. The Fordham Law students in this class will represent a U.S. pharmaceutical company, and the Cardozo Law students in the class will represent an African agricultural production company. The two companies are interested in working together to exploit a new technology developed by the pharmaceutical company that uses the cassava produced by the African agricultural production company. The form of their collaboration could be a joint venture, a licensing agreement or a long term supply contract. The negotiations between the two classes will take place through written exchanges and through real-time negotiations which will be conducted in face to face meetings, alternating between Fordham and Cardozo.

The purpose of the course is to provide students with an opportunity (i) to experience the sequential development of a business transaction over an extended negotiation, (ii) to study the businesses and legal issues and strategies that impact the negotiation, (iii) to gain insight into the dynamics of negotiating and structuring international business transactions, (iv) to learn about the role that lawyers and law play in these negotiations, (v) to give students experience in drafting communications, and (vi) to provide negotiating experience in a context that replicates actual legal practice with an unfamiliar opposing party (here, the students at Cardozo). Students will also learn about the legal and business issues that may arise in joint ventures, supply

agreements and licensing agreements.

The thrust of this course is class participation and active involvement in the negotiations process. Students are expected to spend time outside of class, working in teams, to prepare for class discussions involving the written exchanges, as well as preparing for the live negotiations. Class discussions will focus on the strategy for, and progress of, the negotiations, as well as the substantive legal, business and policy matters that impact on the negotiations.

This class will meet on Tuesday and Thursdays evenings. NOTE: Since some of the class sessions will take place at Fordham, students will need to allow for commuting time; it will also be important to be at all negotiating sessions somewhat early to set up and be ready to begin promptly. It should also be noted that negotiation sessions may not end precisely on time; if negotiations are robust, a session may run over to allow for a natural end of discussions. Finally, the last negotiation session will be scheduled for four (4) hours, with the last hour reserved for a collective “debrief” between the students in both classes.

## **INTERNATIONAL BUSINESS TRANSACTIONS**

**COURSE NUMBER:** LAW7253

**Professor:** Matthews

**Credits:** 2

**Pre/Corequisite:** None

At the heart of the debate over globalization and the financial crisis are the commercial transactions that have become the center of much economic activity across the world. This course will analyze the legal regimes that shape these transactions in United States, international and foreign law systems in areas such as international sales contracts, customs law, trade regulation, foreign corrupt practices, intellectual property, foreign direct investment issues, dispute resolution and corporate social responsibility. We will examine international policy and regulation by the WTO, the IMF, the European Union, and other international bodies. Our examination of these issues will involve an awareness of the impact of socioeconomic and cultural differences on international business ventures.

## **INTERNATIONAL COMMERCIAL ARBITRATION**

**COURSE NUMBER:** LAW 7254

**Professor:** Halprin, Pew

**Credits:** 2

**Pre/Corequisite:** None

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

This course engages in a thoughtful exploration of arbitration as a dispute resolution process in the domain of international trade. Topics include the composition and jurisdiction of international arbitral tribunals, international institutional as well as ad hoc procedures, and

enforcement of arbitration awards under the New York Convention. In addition to U.S. case law, particular emphasis will be placed on court opinions from France, Switzerland and Hong Kong on pertinent international commercial arbitration issues.

#### **INTERNATIONAL, COMPARATIVE & PUBLIC ETHICS LAW REVIEW**

**COURSE NUMBER:** LAW7956; LAW 7957

**Credits:** Staff -- 1 per year; Board -- 2 per year

**Pre/Corequisite:** Goodrich

**Enrollment:** Open only to JD students

Graded as a Y (year) course. The 1 credit for staff members is attributed to the spring semester; board members receive 1 credit for the fall semester and 1 for the spring. In both cases, credit is given only after the spring semester with the faculty advisor's approval.

The International Comparative, Policy & Ethics Law Review (ICPELR) was created in the spring of 2017 as a result of a merger between the Cardozo Journal of International and Comparative Law (CJICL) and the Cardozo Public Law, Policy, and Ethics Journal (CPLPEJ). CJICL was ranked 5th in comparative law, and CPLPEJ was ranked 5th in ethics.

ICPELR publishes a diverse range of articles, case comments, and student notes on a variety of critical topics, including, but not limited to: corporate law, intellectual property, human rights, securities law, constitutional law, policy implications of governmental actions, public interest advocacy, and ethical considerations facing attorneys and the public at large. Recent articles have covered topics such as: border walls, immigration, and transnationalism; penal punishments for drug-related crimes in China; and gender and race discrimination in tort trials. Topics of recent student notes include: modernizing financial regulatory systems; international digital privacy rights; the effects of the Computer Fraud and Abuse Act on Netflix users; and the effects of anti-trust laws on the NFL's efforts to expand internationally.

#### **INTERNATIONAL CRIMINAL LAW**

**COURSE NUMBER:** LAW 7279

**Professor:** Rona

**Credits:** 2

**Pre/Corequisite:** None

The Nuremberg and Tokyo tribunals convened after World War II not only looked back at the atrocities committed in that war, they also reflected a belief that perpetrators of future atrocities must be held accountable. While such crimes continue to be committed, the odds against impunity and in favor of accountability have dramatically improved. This course will assess the international institutions and laws that impose individual criminal liability. We will discuss the major international crimes as defined by the Statute of the International Criminal Court (ICC): war crimes, genocide, crimes against humanity, and aggression. We also discuss the crime of torture—both as a constituent crime under war crimes, genocide, and crimes against humanity—and as an international crime in its own right. Finally, given the current global situation, we will address terrorism. While terrorism is not a crime fully defined under international law we will

discuss how terrorist acts can and have been prosecuted alongside the other major international crimes and in international tribunals. Throughout the course, we will explore how international crimes and the institutions that enforce them mesh with the substance and institutions of international human rights law and international humanitarian law (the law of armed conflict).

## **INTERNATIONAL HUMANITARIAN LAW**

**COURSE NUMBER: LAW 7146**

**Professor:** Rona

**Credit:** 3

**Pre-requisite:** Int'l Law or Int'l Human Rights Law

This seminar will introduce students to the fundamentals of international humanitarian law (IHL, the laws of armed conflict, the laws of war), with a focus on contemporary issues. It will be taught by Gabor Rona, former legal advisor in the legal division of the International Committee of the Red Cross and International Legal Director at Human Rights First.

Traditionally, the study of IHL has focused on technical mastery of the Geneva Conventions and other IHL treaties by armed forces. There is increasing recognition, however, of the importance of IHL to political leaders and policymakers, international human rights lawyers, humanitarian workers, lawyers involved in international criminal justice, journalists and the general public. Thus a contemporary course on IHL needs not only to expose students to the principles and rules of that law, but also to examine the dynamic relationships between IHL and other bodies of law, including human rights law, refugee law, international criminal law and domestic law.

We will first address the sources, historical development, fundamental principles, and fields of application of IHL. We will next study IHL rules governing methods and means of warfare and treatment of persons in the power of the enemy. We will then explore the application of these principles and rules to contemporary issues, including humanitarian intervention, pre-emption and prevention, IHL during civil wars, asymmetrical and counterinsurgency conflicts, the growth of international justice mechanisms, and the role of IHL in connection with terrorism and counterterrorism.

## **INTERNATIONAL HUMAN RIGHTS**

**COURSE NUMBER: LAW 7269**

**Professor:** Rona

**Credits:** 3

**Pre/Corequisite:** None

This course will assess the political theories, laws and institutions that address recognition and protection of human dignity. The idea that humans have rights under international law is both radical and essential: radical because international law traditionally governed state-to-state relations, not ones between the state and individuals; essential because states often cannot or will not protect fundamental notions of human dignity in the absence of an international legal superstructure.

We will explore the idea of human rights as a body of international law, its origins, progress, implementation and enforcement. We will study its relation to other bodies of international law, such as the laws of armed conflict, international criminal law, refugee law and the law of state responsibility, as well as its relation to domestic legal frames of civil rights and civil liberties. We will discuss distinctions between the so-called 'first generation' of civil and political rights and the "second generation" of social, economic and cultural rights as well as distinctions between individual and group rights. We will consider whether non-state entities such as armed groups and businesses such as extractive industries and private military and security contractors have human rights obligations.

We will explore discrimination, including on the basis of sex, sexual orientation, race and disability and we will measure progress toward its elimination. We will consider 'cultural relativism' vs. the concept of universality of rights; tensions between various rights (e.g., freedom of expression and association vs. non-discrimination, life vs. choice and death penalty); and the effects of globalism, contemporary conflicts, and the rise of the national security state on human rights.

Evaluation will be by class participation and take-home exam.

## **INTERNATIONAL INTELLECTUAL PROPERTY**

**COURSE NUMBER: LAW 7565**

**Professor:** Gebru

**Credit:** 2

**Pre/Corequisite:** None

International intellectual property (IP) law is one of the most dynamic and increasingly important areas of law. The Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works, first signed in the 1880s, are the primary instruments that gave rise to international IP law. These instruments have been revised many times since then and have resulted in the creation of the World Intellectual Property Organization, a specialized agency of UN administering many international instruments on intellectual property. Subsequent negotiations to increase international standards of protection resulted in the creation of the most comprehensive international IP instrument – the Trade-Related Intellectual Property Rights (TRIPs) agreement in 1994. The TRIPs agreement is one of the key agreements governed by the World Trade Organization (WTO) and benefits from the efficient dispute resolution mechanism established in the WTO.

The course will use these instruments to examine core issues that arise when intellectual property rights and obligations have extra-territorial implications. The key international organizations that govern these instruments will also be part of the discussion. The course will analyze unsettled intellectual property issues in public and private international law through multiple perspectives including law and development, law and economics, and law and society.

## **INTERNATIONAL LAW**

**COURSE NUMBER: LAW 7261**

**Professor:** Pearlstein

**Credits:** 4

**Pre/Corequisite:** None

This is the basic course in international law and should be taken before, if possible, or otherwise together with, courses dealing with specific areas of international law. It provides an overview of international law, including sources and application of international law, state sovereignty, jurisdiction, the International Court of Justice, sovereign immunity, the act of state doctrine, formation and effect of international agreements, use of force, relation of international law to national law; nationality, human rights, and terrorism.

## **INTERNATIONAL TAX**

**COURSE NUMBER: LAW 7680**

**Professor:** Hahn

**Credits:** 2

**Prerequisite:** Federal Income Tax

This course introduces the U.S. federal law that governs the income taxation of U.S. taxpayers in respect of income from sources or activities outside the United States as well as the income taxation of foreign taxpayers in respect of U.S.-related income. It presents the distinct U.S. income tax regimes applied to U.S. taxpayers and foreign taxpayers, and elaborates on the rules determining the principal determinants of tax liability under these regimes, namely, “residence” (of an individual or an entity) and “source” (of income). In this context, it discusses the following topics: the tax classification of U.S. and foreign entities, the problem of double taxation and its remedies (principally through the mechanism of foreign tax credit), the role and structure of tax treaties, transfer pricing, anti-deferral U.S. income tax regimes (such as under Subpart F of the Code) and anti-tax-avoidance regimes (such as under Code Section 367).

## **INTERNATIONAL TRADE**

**COURSE NUMBER: LAW 7562**

**Professor:** Taube

**Credits:** 2

**Pre/Corequisite:** None

Designed to familiarize students with the panoply of trade regulation impacting virtually every US and foreign business engaging in cross-border transactions, this course will provide critical skills for business law students in a globalized, 21<sup>st</sup> century economy. Students will learn to identify the key issues arising from import and export controls, international sanctions (such as against Iran and Cuba), bilateral and multilateral trade agreements, anti-boycott legislation (relating to Israel and other countries), select EU and WTO regulations, anti-money laundering, foreign corrupt practices and other critical trade related laws. The class will also explore accepted structures to ensure trade compliance. Grading is based upon a take-home examination

that will analyze specific export and import scenarios impacting many of the class topics

## **INTERNET LAW**

**COURSE NUMBER: LAW 7570**

**Professor:** Wu

**Credits:** 3

**Pre/Corequisite:** None

This course examines legal issues raised by the pervasive use of the Internet and other modern communications technologies. The course particularly explores whether and in what ways the Internet challenges our understanding of core principles in different areas of substantive law, and how the law responds (or ought to respond) to technological change. Topics addressed include: the role of copyright in the digital environment, control over access to online information, communications privacy, the domain name system and other online markers, regulation of online service providers and liability for harmful speech, and jurisdiction and choice of law. No particular legal or technical background is assumed, but willingness to learn both is essential. This course has a take-home final examination.

(This class was formerly known as Internet Law I; it is not open to students who took it under the former title.)

## **INTERVIEWING AND COUNSELING**

**COURSE NUMBER: LAW 7380 (JD); LAW7380B(LLM)**

**Professor:** White

**Credits:** 2

**Pre/Corequisite:** None

**Enrollment:** This course will be offered in 2 sections – one JD only and the other LL.M. only.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

This course will examine the theory and practice of client interviewing and counseling in a range of legal contexts. The course is taught by a clinical faculty member with training and experience in both mediation and litigation. The course will involve frequent simulation exercises and will explore the role of interviewing and counseling in the development of case theory and as a method of conflict resolution and prevention. Students will practice counseling clients regarding their legal options, including the selection of the optimal dispute resolution process.

## **INTRODUCTION TO ADR FOR LLM STUDENTS IN NEW YORK CITY**

**COURSE NUMBER: LAW 7371**

**Professor:** Erez-Navot

**Credit:** 1

**Pre/Corequisite:** None

**Enrollment:** Open only to LLM students.

The purpose of this course is to give Cardozo Conflict Resolution LLM students an introduction to ADR processes and orientate them to the landscape of the ADR field in New York. If students plan to return to their home countries after the year, this course will serve as a basis for their future practice. If students plan to stay in New York, the hope is that through the seminar, we can increase content knowledge and support their networking so that they can better navigate their internship and job search in ADR.

#### **INTRODUCTION TO JEWISH LAW**

**COURSE NUMBER:** LAW 7280

**Professor:** Bleich

**Credits:** 3

**Pre/Corequisite:** None

This course considers the origin, description, and development of Jewish law from Biblical times to the present; emphasis is placed on principles and values reflected in the Jewish legal system, as well as principal areas of that system.

#### **INTRODUCTION TO MEDIATION**

**COURSE NUMBER:** LAW 7341

**Professors:** Love/Stulberg

**Credits:** 2

**Pre/Corequisite:** None

**Enrollment:** Open to LLMs and 3Ls only (maximum of 8).

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

Students taking this course will participate in the intensive training program for Mediation Clinic students. This training will orient participants to the theory and practice of mediation, including an overview of different approaches to mediation and the skills involved in beginning a mediation, gathering information, forming a constructive discussion agenda, generating movement and bringing the session to a close. The program involves participating in role-play and interactive exercises, culminating in conducting an entire mediation session as the mediator. Required reading will precede the training. After the training, students will write a short paper responding to targeted questions raised in the reading and in class.

**This course is not open to students in the Mediation Clinic, or students who have previously taken the Mediation Clinic.**

## **INTRODUCTION TO TRIAL ADVOCACY**

**COURSE NUMBER: LAW 7360**

**Professor:** Horn, Blumberg, Grant

**Credits:** 2

**Pre/Corequisite:** None

**Enrollment:** Professor Horn's section is open to JD students only.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

**STUDENTS MAY TAKE ANY 2 OF THE FOLLOWING TRIAL ADVOCACY COURSES, BUT NOT ALL 3: (1) INTRODUCTION TO TRIAL ADVOCACY, (2) ADVANCED TRIAL ADVOCACY, AND (3) ITAP.**

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.

## **INTRODUCTION TO U.S. LAW I**

**COURSE NUMBER: LAW 5221**

**Professor:** Newman, White

**Credits:** 2 or 3

**Pre/Corequisite:** None

**Enrollment:** Open only to International LLM students.

This course, which is required for all LL.M. students who do not hold a degree from a U.S. law school, introduces the basics of the U.S. legal system, including the structure of the federal system, the operation of the courts, the use of precedent, and methods of reading, analyzing, and synthesizing case law.

## **IP BUSINESS AND TRANSACTIONAL LAW**

**COURSE NUMBER: LAW 7903**

**Professor:** Ashtor

**Credit:** 2

**Pre-requisite:** None

The rising valuations of cutting-edge intellectual property assets, coupled with the increasing complexity and sophistication of large-scale M&A, has fueled a boom in complex technology transactions. Taught by an expert in the field, whose work includes some of the largest and most complex tech M&A in recent years, this seminar will cover key issues and considerations that arise in these types of deals. This course will also address the emergence of new types of technologies, such as artificial intelligence and blockchain, that are having wide-ranging implications on

technology transactions.

**ITAP - Intensive Trial Advocacy Program**  
**See Trial Advocacy, Intensive Program**

**JEWISH LAW & CONTEMPORARY LEGAL ISSUES**

**COURSE NUMBER: LAW 7289**

**Professor:** Bleich

**Credits:** 3

**Pre/Corequisite:** None

This course will focus upon a series of contemporary legal and social issues. Among the topics to be investigated may include: the state's authority to punish crime; capital punishment; legitimacy of warfare; copyright; constraints of the prohibition against usury upon commercial enterprises; antenuptial agreements; enforcement of religious divorce by American courts; abortion; surrogate motherhood; and euthanasia. Treatment of these problems will be traced from Talmudic texts through contemporary response. Emphasis will be placed upon the methodology of Jewish law and a comparison of the principles and policy considerations of Jewish law with those of other legal systems. All reading assignments will be in English.

**JEWISH LAW AND JUSTICE**

**COURSE NUMBER: LAW 7134**

**Professor:** S. Stone

**Credits:** 2

**Pre/Corequisite:** None

This course will center on nine Talmudic units, each dealing with a discrete topic bearing on perennial questions of justice, such as retributive punishment, forgiveness and mercy, human dignity, fair wages for labor, religious pluralism, etc. The title of the course is taken from the book by the contemporary French philosopher, Emanuel Levinas. We will, from time to time, compare his Talmudic readings with our own and also investigate the larger turn to law (halakha) in modern Jewish philosophy. We will focus on the unique character of Talmudic legal thought and on the relationship of law and narrative in the Hebrew Bible and in the Talmud (halakha and aggada).

From time to time, we will study the texts in pairs during class, replicating the way these texts were studied in the traditional study halls. All sources will be available both in the original and in English. No prior background is required.

**JOURNAL OF CONFLICT RESOLUTION****COURSE NUMBER: LAW 7926; 7925****Advisor:** Love**Credits:** Staff -- 1 per year; Board -- 2 per year**Pre/Corequisite:** None**Enrollment:** Open only to JD students

Journal of Conflict Resolution will be graded as a Y (year) course. The 1 credit for staff members is attributed to the spring semester; board members receive 1 credit for the fall semester and 1 for the spring. In both cases, credit is given only after the spring semester with the faculty advisor's approval.

Established in 1998, the Cardozo Journal of Conflict Resolution ("CJCR"), formerly known as the Cardozo Online Journal of Conflict Resolution, is among the pioneer publications on methods of alternative dispute resolution ("ADR"). ADR encompasses the theory and practice of all methods of conflict resolution including mediation, negotiation and arbitration. As part of the nationally distinguished Kukin Program for Conflict Resolution, CJCR takes an expansive view of conflict resolution. The Journal's Articles, Notes and symposia address conflict resolution in all areas of law including, for example, international, entertainment, intellectual property, employment, securities regulation, civil and criminal litigation and more. Each year, CJCR also sponsors symposia on cutting-edge issues in ADR.

**JOURNAL OF EQUAL RIGHTS AND SOCIAL JUSTICE****COURSE NUMBER: LAW 7929; 7930****Advisor:** Huigens/Diller**Credits:** Staff - 1 per year; Board - 2 per year**Enrollment:** Open only to JD students

Graded as a Y (year) course. The 1 credit for staff members is attributed to the spring semester; board members receive 1 credit for the fall semester and 1 for the spring. In both cases, credit is given only after the spring semester with the faculty advisor's approval.

This journal publishes a cross-section of articles that address a broad range of gender-based topics and that reflect diverse views on the legal topics that shape the lives of men and women. The subjects of articles include and are not limited to employment law, immigration law, health care, family law and civil rights. Recent publications have included articles on the legal implications of reproductive technology and bioengineering, rape as a war crime, and gender discrimination in insurance coverage. For additional information, see the Cardozo Student Handbook.

This journal was formerly known as the Journal of Law and Gender.

## **JURISPRUDENCE**

**COURSE NUMBER: LAW 7211**

**Professor:** M.Stone

**Credits:** 2

**Pre/Corequisite:** None

“Justice,” according to the philosopher John Rawls “is the first virtue of social institutions.” We might think of social institutions just insofar as they distribute burdens and benefits appropriately, and in so far as they articulate fair norms of interaction between persons. The topic of this seminar will be theories of justice: Drawing on the traditions of jurisprudence and political philosophy, we will examine various accounts of what justice requires and what the role of law might be in giving concrete shape to those requirements. Topics to be considered include the distinction between corrective and distributive justice (and the embodiment of this distinction in different legal structures), contemporary theories of distributive justice (utilitarian, libertarian, liberal, communitarian, feminist, etc.), and a number of specific contemporary problems concerning law and justice: e.g., the moral limits of markets, reserve discrimination, same sex marriage. This seminar is ideal for JD, LL.M. or other graduate students who seek a more theoretical understanding of the nature of the principles which structure and unify the law. We will proceed by discussion of a range of jurisprudential and philosophical writings. Members of the seminar may elect either to write a final paper or to take a take-home exam.

**Professor:** Yankah

**Credits:** 2 or 3

**Pre/Corequisite:** None

The course provides a radical conspectus of theories of law. Organized historically and thematically, the course will juxtapose anarchy and law, fate and normativity, politics, aesthetics and legality. Starting with the anthropology of acephalous or stateless societies the course will then move through theism, naturalism, hard and soft positivism, to critical theories of law associated with realism, Marxism, feminism, race theory, and the various strands of critical legal studies. A further feature of the course will be the examination of current themes of topical legal interest through the prism of theory. Issues such as intelligent design, conscience clauses, casus belli or reasons for war, and the uses of bulls--- will be trawled and excoriated.

## **JUVENILE JUSTICE**

**COURSE NUMBER: 7719**

**Professor:** Busching

**Credit:** 2

**Pre/Corequisite:** None

The course focuses on the unique issues presented when adolescents (generally 13-18 years of age) are accused of committing crimes in the family and criminal courts. The course begins with a comparative analysis of the two systems and their differing approaches, in areas such as

diversion, pre-trial detention, procedural safeguards, and sentencing goals and alternatives. Students are then required to assume the roles of prosecutors, defense attorneys and judges in crafting motions and responses, arguing positions before the court and issuing written decisions. The course emphasizes development of courtroom skills through working on case scenarios based on real-life situations.

Students are evaluated based on their written and oral presentations, judicial decisions and a final written case analysis as well as class participation.

#### **LABOR AND EMPLOYMENT LAW FIELD CLINIC**

**COURSE NUMBER: LAW 7829; 7830**

**Professor:** Leighton/Profeta

**Credits:** 4 (2 clinical, 2 academic) – Graded Pass/Fail

**Pre/Corequisite:** None

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

In this field clinic, students will work in the Labor and Employment Law Division of the New York City Law Department (also known as the Office of the Corporation Counsel). The Law Department serves as attorney and counsel for the City of New York and City agencies in all legal matters. The Labor and Employment Law Division handles a wide variety of matters, including claims of First Amendment retaliation and other forms of retaliation; claims of gender, race, age, and disability discrimination; violations of the Equal Pay Act; violations of the Fair Labor Standards Act; claims arising under the Civil Service Law, collective bargaining agreements issues; and challenges to City agency actions under Article 78 of the New York Civil Practice Law and Rules. Attorneys within the division litigate cases brought against every City agency, as well as lawsuits brought against high ranking City officials. Attorneys practice in federal and state courts, appear before the New York State Division of Human Rights and the New York City Commission on Human Rights, and participate in proceedings at the Office of Administrative Trials and Hearings. Consequently, attorneys within the division apply and hone every type of litigation skill, including legal research and writing, conducting discovery, arguing motions, negotiating settlements, and trying cases.

Students will spend 12 - 15 hours a week in the Labor and Employment Law Division at the Law Department, located at 100 Church Street in lower Manhattan. There, students will work closely with and receive close supervision from experienced attorneys on all aspects of civil litigation, including researching and drafting legal memoranda, investigating factual allegations, preparing for and observing witness depositions, and participating in court proceedings. Students may be assigned actual cases handled by the division, and will be given the responsibility for researching applicable case law, drafting motions and responsive pleadings, and, as appropriate, appearing for oral argument on their cases in state court.

In the seminar, students will learn the substantive and procedural areas of Labor and Employment law. Students will learn, discuss, and explore the practical issues that arise in civil litigation, that require good judgment, persuasive written and oral advocacy, thorough investigation, ethical considerations, and careful discretion in handling clients, witnesses and adversaries. During the seminar, students will present their individual cases to review the issues they have come across, and collaborate as a group, to evaluate the judgment calls regularly faced by attorneys during litigation.

## **LABOR LAW**

**COURSE NUMBER: LAW 7541**

**Professor:** Weisenfeld

**Credits:** 3

**Pre/Corequisite:** None

This course is an introduction to the rights and obligations of private sector employees, labor unions, and employers, mostly under the National Labor Relations Act. Unlike Employment Law, which focuses on individual rights, the focus here is on collective rights. Topics will include the right to organize, union recognition and certification, bargaining unit determination, the duty of and scope of collective bargaining, the right to strike and alternative processes, and contract administration. There are no pre- or co-requisites. The final project will be an in-school final exam to be given during the end-of-semester exam period.

## **LAND USE REGULATION**

**COURSE NUMBER: LAW 7463**

**Professor:** Sterk, Herz

**Credits:** 3

**Pre/Corequisite:** None

This course examines public regulation of the use and development of land. In the United States, land use is regulated in many ways, including through privately-negotiated easements and covenants, as well as litigation employing nuisance law or other common law principles. But much of the regulation of land use occurs through federal, state and local legislation and regulations covering such issues as zoning, eminent domain, subdivisions, building codes, aesthetic and growth controls, historic preservation, environmental protection and fair housing. Each of these land use tools, as well the principal constitutional constraints placed upon them, will be discussed in this course.

## **LAW & LITERATURE**

**COURSE NUMBER: LAW 7242**

**Professor:** Weisberg

**Credits:** 3

**Pre/Corequisite:** None

How are lawyers portrayed in stories? How do lawyers use story-telling techniques in their work? What are the ethical implications of both these inquiries? This course, through a wide-ranging series of novels, short stories, films and legal materials, explores the ways in which literary art and literary skills inform the lawyer's world. Readings for this course may include one or more of the following: Dostoevsky, *Crime and Punishment*, Dickens, *Great Expectations*, Camus, *The Stranger*, Flaubert, *A Sentimental Education*, Doctorow, *The Book of Daniel*. Films may include: *The Ox-Bow Incident*, *The Verdict*, and *The Sweet Hereafter*.

Complementing the discussion units will be legal material of a more traditional nature. Appellate opinions will be read that exemplify the lawyer-as-outsider, legal reasoning and uses of history by lawyers and judges. An additional feature of the literary side of law is *style*. The student's own writing is a part of the course. Students will be required to write a significant final paper.

## LAW & LITERATURE II: INTERPRETATION IN ACTION

COURSE NUMBER: LAW 7442

**Professor:** Weisberg/Pantazakos

**Credits:** 2

**Pre/Corequisite:** None; Please note that Law & Literature is NOT a prerequisite for this course.

How does the way we interpret texts affect our behavior in the world? Specifically, how do the methods we choose when reading stories and constitutions influence our methods of approaching legal and moral issues with which we are faced as lawyers? This seminar, which satisfies the upper-class writing requirement and for which there is no prerequisite, explores through the reading of story-tellers, philosophers, and legal theorists, the claim that *how* we attain textual meaning calibrates our actions in the domain of human rights, constitutional law, and everyday practice.

Readings range from the Bible ("older" and "newer", where a tension between "letter" and "spirit" becomes palpable) to stories from "Antigone" to Shakespeare to Susan Glaspell to Robert Bolt, to descriptions of interpretation in writers such as Plato, Nietzsche, Cardozo, Scalia, and Derrida.

There is no final exam, and a final writing project chosen by the student in conjunction with the instructors constitutes the main requirement for the seminar.

## LAW AND RELIGION

COURSE NUMBER: LAW 7294

CREDITS: 3

In late June and early July of this year, the Supreme Court handed down a number of religion clause cases including one that expanded the category of employers who could deny contraceptive services benefits to their employees; another that affirmed the right of religious institutions to

receive state funds that are being offered to non-religious parties; and a third that declared religious institutions to be immune from discrimination claims made by teachers and others. These cases follow recent decisions that allowed bakers to refuse service to same sex couples who wished to solemnize their marriages and held that if the state funded the resurfacing of a public school playground it must also fund the resurfacing of a religious school playground. Together these decisions suggest a strengthening of the free exercise clause at the expense of the establishment clause. In this course we shall study the history that brought us to this moment, a history that includes the Court's attempts to define religion and to adjudicate the sometimes opposing demands of the two clauses. At stake, finally, is the deep question of the relationship between a liberal state committed to the equality before the law of all points of view and one point of view--religion--that insists on its precedence and supremacy .

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**LAW AT THE MOVIES****COURSE NUMBER: LAW 7144****Professor:** Fish**Credits:** 2**Pre/Corequisite:** None

Movie makers have always been fascinated by the law and have taken advantage of the drama law affords to structure their films. In some movies, references to the law are incidental or perfunctory, but in others the law, and especially court room scenes, are at the core of the filmic project. In this class, we shall examine a number of movies that are centered on the law and pair them with the legal issues and problems they touch on. In each class a movie, often a celebrated one, will be discussed in conjunction with a case that presents the same issues. We shall be playing a double game: assessing the dramatic effectiveness of law-related movies, and discussing whether legal issues are illustrated or simplified or perhaps caricatured by those films. The issues we will encounter will include work place harassment, racial discrimination, gender discrimination, First Amendment Rights, natural vs. positive law, the insanity defense, the psychology of juries, medical malpractice, crimes against humanity, legal corruption, pollution of the environment, interracial marriage, religion in the schools, libel and the press, anti-gay discrimination, and military code of conduct.

**LAW AND PRACTICE AT THE UNITED NATIONS****COURSE NUMBER: LAW 7138****Professor:** Simonoff**Credits:** 2**Pre/Corequisite:** International Law

Most of the hottest issues of the day internationally come to the United Nations, and almost all of these issues implicate international law. This course provides an overview of legal issues at the United Nations. It examines the relationship between the UN Security Council and the UN General Assembly, including the tensions that sometime exist between these two principal organs of the UN, in particular in situations where the veto has been exercised, such as in the Syria and Ukraine situations. It focuses on the process of becoming a UN Member State. It also

surveys the Security Council's role in making law (through sanctions resolutions) institution creating (through the establishment of tribunals) and keeping the peace (through establishing peacekeeping missions).

**LAW & RELIGION COLLOQUIUM: CITIZENSHIP, RELIGION, IDENTITY: INTENSIFYING CONFLICTS AND NEW CHALLENGES**

**COURSE NUMBER:** LAW 7133

**Professor:** Rosenfeld/Mancini/Greene

**Credits:** 2

**Pre/Corequisite:** None

**Enrollment:** Cardozo enrollment for the colloquium shall be limited to 12 students.

Secularization has played a key role in the road to modernization propelled by the Enlightenment. Confinement of religion to the private sphere has been widely promoted until the end of the twentieth century. At the dawn of the new millennium, however, religion has reemerged as a contentious social and political public issue both domestically and internationally as the “de-privatization of religion” has propelled religions towards an increasingly ubiquitous place in the political arena.

Despite remarkable differences, from a constitutional standpoint, all Western models for managing the relationship between the state and religion adhere to two fundamental principles: separation of Church and State in the public sphere; and protection of freedom of and from religion within the private sphere. Globalization and mass scale migration, however, have put in question the powers of integration of a secularized society. The crisis surrounding the nation state has positioned religions to become at once major sources of integration of the polity as well as fomenters of vexing challenges against major tenets of the polity’s predominant culture. This has led to two consequences in predominantly Christian polities: first, the return of Christian culture and tradition in the public sphere, challenging the principle of separation between Church and State; and, second that promotion of religion as culture has fostered a marginalization of both non-Christian religious and secular cultures and Christians who object to the “culturalization” of their religion in ways they consider to be offensive to their faith.

The Colloquium will bring together, on a weekly basis, prominent speakers from many countries, disciplines, religious traditions and constitutional cultures to address various salient conflicts and challenges posed by the state of affairs described above.

The Colloquium will be co-convened by Professor Jamal Greene of the Columbia Law School; Professor Susanna Mancini of the University of Bologna and a Cardozo Floersheimer Center and Program on Global and Comparative Constitutional Theory Distinguished Fellow; and Professor Michel Rosenfeld of Cardozo.

The Colloquium will meet weekly, alternating between Cardozo and Columbia. Accordingly, students should allow for commuting time to Columbia on alternating weeks.

Each speaker will send a paper in advance and Colloquium students will have to turn in a short weekly paper due on the day before the Colloquium that will summarize their reaction to the speaker's paper and list questions that they consider the speaker should address in the course of the Colloquium discussion of his/her paper.

## **LAW OF DEMOCRACY**

**COURSE NUMBER: LAW 7407**

**Professor:** Adams

**Credits:** 3

**Pre/Corequisite:** None

This course will examine American election law. The central focus of the course is the complex interaction between democratic politics and the formal institutions of the state. We will pay particular attention to the relationship among the courts, legislatures, executive officials, and voters in overseeing democratic processes. Topics include the sources of state and federal power to regulate the electoral system, distribution of the franchise and the right to vote, apportionment and representation, the federal Voting Rights Act, the regulation of candidacy, the party system, election administration, and campaign finance.

## **LAW OF NON-PROFIT ORGANIZATIONS**

**COURSE NUMBER: 7604**

**Professor:** Van Tassel Richards

**Credits:** 2

**Pre/Corequisite:** There are no pre-requisites or co requisites. The professor will provide general introductions to federal income tax issues and general business association laws in advance of covering the relevant materials.

This seminar will cover the organization and operation of nonprofit organizations. We will primarily discuss the organization, operation, governance and taxation of 501(c)(3) organizations under state and federal law. We will also discuss 501(c)(4) social welfare organizations and 501(c)(6) business leagues. We will begin with the background and policy of the U.S. tax-exempt sector. We will discuss why someone might want to form a nonprofit and some alternatives. We will then examine the state and federal requirements for forming a nonprofit organization and obtaining tax-exempt status. We will explore the fiduciary obligations of boards of directors and trustees. Issues will include limitations on lobbying and campaign activity, avoiding private foundation status, commercial activity and unrelated business income tax, and joint ventures between nonprofits and for-profit entities. The final few weeks will be devoted to emerging issues in the nonprofit sector. Topics may include the recent challenges of obtaining tax-exempt status for open source software projects, whether a U.S. nonprofit can do a blockchain token sale (“ICO”), and hybrid and international structures.

In addition to the assigned reading, we will have assigned discussion questions for class. Students should come to the seminar prepared to discuss those questions. The final exam will be take home.

### **Law of War and Contemporary Conflicts -- See Contemporary Conflicts and the Law**

#### **LAW, RELIGION AND THE NATION-STATE: THE CASE OF ISRAEL**

**COURSE NUMBER:** LAW 7136

**Professor:** Mirsky

**Credits:** 1

**Pre/Corequisite:** None

This seminar surveys key themes in Israeli legal history of the State of Israel, and with particular focus on the complex relations of religious and national identity. We will also look at some basic questions of religion and nationalism and their relationship to law, and ways in which American law differs from yet has influenced elements of Israeli law here.

#### **LAW REVIEW**

**COURSE NUMBER:** LAW 7939; 7940

**Advisor:** Shaw

**Credits:** Staff – 1 per year; Board – 2 per Year

**Enrollment:** Open only to JD students

Law Review will be graded as a Y (year). The 1 credit for staff members is attributed to the spring semester; board members receive 1 credit for the fall semester and 1 for the spring. In both cases, credit is given only after the spring semester with the faculty advisor's approval.

The *Law Review* publishes numerous issues each year containing articles and student notes on a wide variety of legal topics. In addition, the *Law Review* sponsors and publishes several symposia each year, inviting prestigious scholars from around the world to delve into unique and intellectually stimulating areas of legal scholarship.

Students are invited to join *Law Review* after their first year in one of two ways:

1. By finishing in the top 10% of their first-year class;
2. By distinguishing themselves in the writing competition.

For additional information, see the Cardozo Student Handbook.

#### **LEADERSHIP FOR LAWYERS**

**COURSE NUMBER:** LAW 7411

**Professor:** Greenberg-Kobrin

**Credits:** 3

**Pre/Corequisite:** None; **Recommended:** Corporations

**Skills Credit:** Successful completion of this course will award three (3) credits towards the JD experiential/skills credit requirement.

From the moment they enter practice, lawyers are asked to take on leadership roles. They must make difficult decisions that require the weighing of law and strategy, explain the difference between the two to their clients, and persuade those around them of their judgments -- all while working in complex and dynamic groups. Ultimately, they move into positions of power that test their ability to lead others. In this course, we hope to pursue conversations that will prepare students for that task.

In the wake of recent financial, political, legal and other crises, the legal profession has come under significant scrutiny by those who wonder why the law -- and lawyers -- failed to stop risk-taking and unethical behavior that led to the crisis. Lawyers who are trained to provide wise strategic counsel, rather than merely narrow legal advice, are more likely to give the kind of balanced, ethical judgments to clients that will help prevent future crises of ethics, finance and faith in the law.

Lawyers -- more often than most other professions -- are asked to take on leadership roles throughout our society. They are expected to become top executives, lawmakers, and the senior advisors who guide their decisions. There is extensive literature on how leaders are developed, and how leadership can be learned. Yet lawyers typically have little training in leadership.

This class aims to prepare students to serve as effective leaders. The class will use a combination of readings, project work, problem sets, case studies, and group presentations to give students exposure to the core competencies necessary to be a successful leader. We will begin by considering various approaches to management, collaboration, persuasion, and judgment. Because we believe that, in the future, effective leaders will need to have quantitative techniques among their skill set, we will then turn to key economics, finance, and accounting concepts. Next, we will consider the ethical, cultural and social considerations that an effective leader must master. Finally, students will study a wide range of issues at nonprofit and governmental organizations to develop leadership strategies that reflect the diversity of challenges future leaders are likely to face.

## **LEGAL ANALYTIC METHODS**

**COURSE NUMBER: LAW 7839**

**Professor:** Ronning

**Credits:** 2

**Enrollment:** Open to 3L students only. This is a mandatory class for students who with 1L GPAs below 3.0. All other students must request permission from the professor to enroll. Interested students should email Professor Ronning ([ronning@yu.edu](mailto:ronning@yu.edu)) for permission to enroll.

This course is designed to provide early preparation for the Uniform Bar Examination (UBE), an exam developed by the National Conference of Bar Examiners (NCBE) and that will be administered in New York beginning with the July 2016 exam dates. The UBE has three components—one uses a multiple-choice format, another uses an essay format, and the third uses a performance-test format—and this course will provide strategic guidance for each of these components. While bar passage requires legal knowledge of a wide range of subject areas, this course will be focused on the development of skills, strategies, and a strategic mindset.

Classes will include regular timed multiple-choice quizzes and doctrinal review as well as essay and MPT writing assignments with personal feedback including individual conferences with a writing instructor from the Lawyering & Legal Writing program.

*This course will be graded on a pass/fail basis. This course is not intended to replace the need for a full summer review course; all students should take a full review course prior to the bar exam to prepare adequately for passage.*

#### **LEGAL RESEARCH AND WRITING FOR INTERNATIONAL STUDENTS I, ADVANCED WORKSHOP**

**COURSE NUMBER:** LAW 5792

**Professor:** Various

**Credits:** 1

**Pre/Corequisite:** None

**Enrollment:** International LL.M.s

Part I of the Advanced Workshop is a one-credit course that focuses on case reading and analysis, basic language structure and writing skills, manual and computer assisted legal research skills, the integration of legal research, analysis and writing, and forms of legal writing, including letter and memorandum writing. Students take Part I of the Advanced Workshop in their first semester in Cardozo's LLM program.

#### **LEGAL RESEARCH AND WRITING FOR INTERNATIONAL STUDENTS II, ADVANCED WORKSHOP**

**COURSE NUMBER:** LAW 5793

**Professor:** Various

**Credits:** 1

**Prerequisites:** Legal Research and Writing for International Student I, Advanced Workshop

**Enrollment:** International LL.M.s

Part II of the Advanced Workshop is a one-credit course that focuses on advocacy writing and related skills through litigation drafting and appellate brief writing. Students take Advanced Workshop in Legal Research & Writing International Part II after completing Part I of the course.

#### **LEGAL WRITING AND RESEARCH: TEACHING ASSISTANTSHIP**

**COURSE NUMBER:** LAW 7914

**Professor:** Newman

**Credits:** 1

**Pre/Corequisite:** None

**Enrollment:** Open only to JD students, by permission only.

Teaching assistant program for the Legal Writing Program.

#### **LEGISLATION**

**COURSE NUMBER:** LAW 7528

**Professor:** Shaw

**Credits:** 3

**Pre/Corequisite:** None

Almost every aspect of legal practice involves construction of statutes, whether defining the jurisdiction of the courts or establishing the norms to which society must conform. This course aims to attend to the prevalence of statutory law through examination of the legislative process and the way in which courts and agencies implement and interpret statutory enactments. We will read statutes, judicial decisions, agency constructions, leading academic commentary and historical materials with the aim of understanding practical and theoretical challenges to legal work within the age of statutes. No formal prerequisites, though Administrative Law, Federal Courts, and Constitutional Law II would all be helpful. Take-home examination and attendance are required.

#### **LEGISLATURE IN THE CLINIC**

**COURSE NUMBER:** BIOE

**CREDITS:** 2

**The Legislature in the Clinic:** This course can be taken independently, or as a follow-up to Bioethics in the Court. In this seminar, students will study legislation that dictates the behavior or speech of clinicians. Students will learn how to read statutes, and be asked to consider when it is appropriate for the legislature to interfere in the clinic, and what to recommend as an ethicists when the *legally* required action is not consistent with the *ethical* action.

#### **LL.M. THESIS**

**COURSE NUMBER:** LAW 5940

**Professor:** Various

**Credits:** 3

**Pre/Corequisite:** None

**Enrollment:** Open only to LL.M. students

LL.M. students may write a thesis only with special permission based on a detailed outline or plan. Students will be responsible for securing the approval of a faculty member who will supervise the thesis. Interested students should contact Joshua Epstein or Val Myteberi, in the Office of Graduate and International Programs, for more information.

**MAINZER FAMILY DEFENSE FIELD CLINIC/SEMINAR, THE BRONX DEFENDERS, FAMILY DEFENSE PRACTICE**

**COURSE NUMBER: LAW 7803; 7804**

**Professors:** Speaker

**Credits:** 5 (3 clinical, 2 academic)

**Corequisite:** Field Clinic Seminar

**Enrollment:** Open only to students who have been selected through the field clinic application process. Preference will be given to students who have taken courses in trial practice and evidence.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

The field clinic will examine child welfare law and policy, and offer students litigation experience in high-stakes child neglect proceedings. Every state is required by federal law to investigate allegations that children have been or are being abused and neglected. The overwhelming majority of such investigations, however, are not of incidents of actual harm but concern a parent's lack of resources, access to services, and poverty that may place a child at risk. The majority of parents charged with abuse and neglect in Family Court are disproportionately poor, and separated from their children at alarming rates. Children languish in foster care while their parents, attempting to cope with the loss, are forced to comply with a multitude of demands and government agencies, all of whom claim to know "what is best" for them and their families -- often destroying familial bonds and causing damage to individuals and the Bronx community.

Because of its unique model of holistic defense, The Bronx Defenders is an ideal placement for students to be first exposed to this emerging public defense field. The Family Defense Practice of The Bronx Defenders provides comprehensive family court representation to parents charged with abuse and/or neglect who are potentially facing termination of parental rights. We connect families to social services that strengthen and empower them. We see our clients not as "cases," but as whole people. Our accomplished and committed attorneys, social workers, parent advocates, investigators, and support staff are dedicated to helping our clients grapple with the real "repeat offenders" – poverty, family dissolution, and despair.

This clinic will provide students with the opportunity to immerse themselves in holistic, client-centered advocacy in a warm and collegial environment. Students will gain essential litigation skills and experience by providing direct representation to parents in child neglect proceedings under the close supervision of an experienced attorney. Students will also work with social workers and parent advocates, and be paired with our family defense attorneys to gain exposure to a diverse range of cases. Students will stand up on the record on behalf of parents pursuant to our Student Practice Order. Students will have the opportunity to assist with The Bronx Defenders' efforts at systemic reform.

The seminar will provide an opportunity to conference cases as well as explore child welfare law

and policy, both in New York and nationally, with an emphasis on Article 10 child protection proceedings and the due process issues they raise. Particular attention will be paid to the issues of class and race in child welfare practice. The seminar will teach practical litigation skills through discussion of the cases students are handling and in-class simulation exercises.

Preference will be given to students who have taken courses in trial practice and evidence.

#### **MEDIA LAW**

**COURSE NUMBER: LAW 7895**

**Professor:** Abrutyn/Strom, Abrutyn/Davidovitch

**Credits:** 2

**Pre-requisite:** None

This course addresses the broad scope of legal issues facing the media today. The course addresses the First Amendment, statutory and common law principles that protect and limit creators and publishers, with a focus on issues affecting the content and distribution of non-fiction print, video and online works. Specific topics will include areas of historical importance to the news media such as libel, privacy, misappropriation, and fair use in the news context; and more current concerns such as access, reporter's privilege, journalists' use of social media, and use of drones and other new technology for newsgathering. We will delve into how bedrock legal principles are interpreted in the context of new media by examining their interpretation in the context of the Internet and blogging, and examine not only what the law is currently, but what it should be in order to accommodate the competing interests raised by new technology.

Copyright is a prerequisite for this class. Grades will be based on class participation, including one presentation, and a final exam.

## **MERGERS & ACQUISITIONS**

**COURSE NUMBER: LAW 7063**

**Professor:** Yablon

**Credits:** 3

**Prerequisite:** Corporations; Recommended: Securities Regulation

This course will treat, primarily from a practical perspective, significant legal aspects of business combination transactions. After a brief introduction to the key business and financial aspects of such transactions, major topics will include contractual issues in business combination agreements, fiduciary duties of directors and officers, state take-over statutes, federal regulation under the Williams Act and Regulation MA, proxy contests, and defensive tactics such as poison pills and lock-up agreements. Briefer treatment, as time permits, will be given to antitrust, accounting, and tax issues.

## **MOOT COURT**

**COURSE NUMBER: LAW**

**Advisor:** Reinert

**Credits:** Staff – 1 per year; Board – 2 per year

**Enrollment:** Open only to J.D. students

Moot Court will be graded as a Y (year-long course). Credit is given only after completion of the spring semester with the faculty advisor's approval.

Academic work (such as brief writing and drafting of bench memoranda) performed by members of the Moot Court Board or by participants in moot court competitions. The Moot Court Honor Society competes in Moot Court tournaments across the country. The competitions cover many areas of law including Constitutional Law, Evidence, Corporate Law, Criminal Procedure, Family Law, Securities Law, and Sports Law. In addition, the Society sponsors three annual competitions: the Monrad G. Paulsen Competition, Cardozo's intramural moot court competition, held each fall; the nationally acclaimed BMI Entertainment and Communications Law Competition, held each spring; and the Langfan Constitutional Oratorical Prize Competition, also held in the spring. For additional information, see the Cardozo Student Handbook.

## **MUSIC LAW**

**COURSE NUMBER: LAW 7488**

**Professor:** Ostrow

**Credits:** 2

**Prerequisite:** Copyright Law or permission of instructor

This course examines the legal framework of the music industry and the role of various entities in the music ecosystem, including record labels, music publishers and licensing collectives such as ASCAP, BMI, SESAC and The Harry Fox Agency. We will review basic copyright principles (e.g., bundle of rights, infringements, remedies, fair use and parody) as well as specific provisions of the Copyright Act, consent decrees and judicial precedents that directly

pertain to music. We will also examine income streams and royalty calculations as well as negotiating points and specific contract provisions relating to songwriters, recording artists, producers and various licensees of music from film and TV production companies to symphony orchestras and streaming services. Particular emphasis will be placed on recent developments. We may also explore contractual relationships among group members and managers.

Grading will be based upon class participation, various short assignments and a comprehensive final exam.

## **NEGOTIATION THEORIES AND SKILLS**

**COURSE NUMBER: LAW 7309**

**Professor:** Baum, Tsur, Yadegari, Weisenfeld, Greenberg-Kobrin, Robinson, R. Weinstein

**Credits:** 2 or 3

**Pre/Corequisite:** None

**Skills Credit:** Successful completion of the 2-credit version of this course will award two (2) credits towards the JD experiential/skills credit requirement. Successful completion of the 3-credit version of this course will award three (3) credits towards the JD experiential/skills credit requirement.

This seminar provides students an introduction to both theoretical and practice-based foundations of negotiation. Through simulation-based exercises and classroom discussions, the course will cover the elements of both integrative and distributive bargaining; barriers to agreement and strategies to overcome them; the nature of dialogue; negotiation power; the role of culture, gender and race in negotiations; negotiation preparation, tactics, initial and responsive strategies, and ethics.

## **NEW SCHOOL PROGRAM**

**Professor:** Various

**Credits:** 2

**Pre/Corequisite:** None

Cardozo students may enroll in a law-related, graduate-level New School course. Upper-level J.D. students may enroll in a maximum of 2 courses total, with only one course in a given semester. LL.M. students may enroll in one such course during their time at Cardozo, but should be aware that New School courses will not count toward the 24-credit requirement for New York State Bar Exam eligibility. Both J.D. and LL. M. students will receive a maximum of two pass/fail credits for satisfactory completion of the course. No additional fee is charged for these courses.

This program applies to law-related courses offered at the Milano School of International Affairs, Management, and Urban Policy or at the New School for Social Research (which is the New School's graduate program in social sciences). Both schools are within two blocks of Cardozo School of Law. Protocols for enrolling in a New School class differ depending on whether it is a Milano School course or a New School for Social Research course.

**For Milano Courses ONLY:** Each semester, a number of Milano School courses will be pre-approved and listed in the Cardozo registration materials. These courses are specifically noted as being “New School courses” on the course list, block schedule, and course description documents. For those specific New School classes, students do not need to go through the approval process noted below. Instead, students should list these courses during the registration process just like any other course they are interested in taking. These classes are still subject to the same limits as other New School courses: upper-level J.D. students may enroll in a maximum of 2 New School courses, with only one course in a given semester; LL.M. students may enroll in one such New School course during their time at Cardozo, although the course cannot count toward the 24-credit requirement for New York State Bar Exam eligibility. Please be aware that the New School academic calendar is different than Cardozo’s academic calendar. You may not reschedule a Cardozo exam due to a conflict with a New School course or exam.

**For New School for Social Research courses ONLY:** To enroll in a New School for Social Research course, you should submit a request in writing to the Cardozo Dean of Students. The request must include a hard copy of the official course description and a statement of the reason that you wish to take the course. In order for permission to be granted, the course must be sufficiently law-related. Courses that *do not* qualify as law-related include language courses, most history and economics courses, and any course not reasonably related to the theory, practice, history, or application of law. If Cardozo offers a substantially similar course, permission to register for the non-pre-approved New School course will be denied.

New School courses are listed online at <http://www.newschool.edu>. Remember, courses that qualify must be taught the New School for Social Research. **Students cannot enroll in a Milano course unless it has been pre-approved.** When searching for a course, be sure to check that the course is actually scheduled to meet during the upcoming semester. Again, the New School academic calendar is different than Cardozo’s academic calendar. You may not reschedule a Cardozo exam due to a conflict with a New School course or exam.

Once enrollment in a New School for Social Research course that is not "pre-approved" has been approved by the Cardozo Dean of Students, please complete the "Permission to Register as a Non-Matriculated New School Student" form found in the Registration Info Packet and obtain the signatures of (a) the Cardozo Dean of Students, (b) the appropriate New School professor, and (c) Abid Khan, Coordinator of Student Advising, New School for Social Research (6 East 16<sup>th</sup> Street, 10<sup>th</sup> Floor). Enrollment is subject to space limitations.

When all required signatures are obtained, you should register for the New School course in person at the Registrar’s Office at Cardozo and at the New School. If you drop a New School course, please be sure to follow the correct “drop” procedures at both the New School and Cardozo.

**New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School. All students that enroll in New School courses will required to sign a FERPA release**

**allowing the New School to release your grades to Cardozo so the New School credit can be awarded on your Cardozo transcript.**

**NEW YORK CITY LAW DEPARTMENT APPEALS DIVISION FIELD CLINIC/NEW YORK CITY LAW DEPARTMENT APPEALS DIVISION FIELD CLINIC SEMINAR**

**COURSE NUMBER:** LAW 7952C

**Professor:** Paulson, Wassel

**Credits:** 1 academic, 3 clinical – Graded Pass/Fail

**Pre/Corequisite:** None.

**Enrollment:** Open only to JD students.

**Skills Credit:** Successful completion of the Field Clinic will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

In this one-semester field clinic, offered both in the fall and spring semesters, students work in the Appeals Division of the New York City Law Department (also known as the Office of the Corporation Counsel). The Law Department serves as attorney and counsel for the City of New York and City agencies in all legal matters. The Appeals Division handles appeals from virtually all of the Law Department's litigating divisions and from all City agencies. Students spend 20 hours a week working at the Law Department, located at 100 Church Street (easily accessible via subway).

The Appeals Division Field Clinic provides classroom instruction and clinical experience in effective appellate brief writing, legal research, and formulating persuasive legal arguments. Students are assigned real appellate cases to research and draft from start to finish on a variety of civil matters, including appeals from Article 78 proceedings, motions for summary judgment, abuse and neglect petitions, and juvenile delinquency orders. The draft briefs are carefully reviewed by supervising attorneys, who provide one-on-one feedback, and then students revise and re-submit their drafts. Completed briefs are filed in the appellate division and bear the name of both the law student and his or her supervisor. Students also have the opportunity to observe Appeals Division attorneys present oral arguments in the Appellate Divisions and the Second Circuit Court of Appeals. This field clinic offers students a unique way to refine their writing and research skills while furthering their understanding of the appellate process and gaining practical work experience.

There is a mandatory weekly seminar for students participating in this field clinic. Successful completion of this externship also satisfies the law school's writing requirement.

## **NEW YORK CITY LAW DEPARTMENT JUVENILE DELINQUENCY FIELD CLINIC/SEMINAR**

**COURSE NUMBER: LAW7831; 7832**

**Professors:** Albertus/Arocho

**Credits:** 4 (2 academic, 2 clinical) – Graded Pass/Fail

**Pre/Corequisite:** None.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

The mission of the Family Court Division of the New York City Law Department is to promote the well-being of the City's children and protect the general public. To this end, the Family Court Division prosecutes juvenile delinquency cases to ensure that juveniles who commit delinquent acts are both held accountable and afforded an opportunity for rehabilitation. The Family Court Division of the New York City Law Department serves as the Presentment Agency (prosecutor) in juvenile delinquency cases in the New York City Family Court. The Division has offices in all 5 boroughs. In this one-semester field clinic, students will receive classroom instruction and clinical experience at one of the borough offices. (See here for more information on the NYC Law Department <http://www.nyc.gov/html/law/html/home/home.shtml>).

In the field, students will spend between 12 – 15 hours per week at the New York City Law Department, working closely with experienced attorneys on juvenile delinquency matters. Students will assist with and conduct interviews of witnesses, draft accusatory petitions and other pleadings. Students will also assist in the preparation of legal training materials, conduct legal research, and draft memoranda of law addressing topics such as search and seizure, suppression of evidence, charging challenges and speedy trial. Students will appear in court pursuant to the Special Student Practice Order (subject to court approval), observe court proceedings and assist attorneys with trial preparation.

At the seminar, students will study the New York State Family Court Act (Article 3) as well as select provisions of the New York State Penal Law. The seminar will meet once a week and will provide students with an overview of juvenile delinquency practice. The seminar will cover such topics as how to investigate a case, charging decisions and accusatory petitions, discovery, ethical responsibilities of a prosecutor, suppression hearings, fact-finding hearings (trials) and disposition hearings.

## **NEW YORK EVIDENCE IN THEORY AND PRACTICE SEMINAR**

**COURSE NUMBER: LAW 7307**

**Professor:** Greenberg

**Credits:** 2

**Pre/Corequisite:** None; Recommended: Evidence

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

Students will look at common problems of evidence under New York State law. We will review case law and related materials. In addition, students will both observe and participate in classroom simulations (some of which will include visiting lawyers and judges). The simulations will familiarize students with evidentiary principles as applied in the real (and often fast-moving) world of depositions, hearings and trials. Topics will include the form of questions, making objections, real and demonstrative evidence, documentary evidence, hearsay (and exceptions to the hearsay rule), privileges and the impeachment of witnesses. It is recommended (but not required) that students take the standard federal Evidence course before enrolling in this Seminar.

## **NEW YORK FAMILY LAW: DRAFTING AND PROCEDURE**

**COURSE NUMBER: LAW 7822**

**Professor:** Collins

**Credits:** 2

**Pre or Co-requisite:** None

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

New York Family Law: Drafting and Procedure is a skills course designed to prepare students to practice matrimonial law in New York State. The class will cover: the rules for obtaining jurisdiction, setting venue, and articulating grounds for divorce; the substantive standards in New York regarding Equitable Distribution, Parenting, Child Support and Spousal Maintenance; the practice of drafting discovery documents (including Affidavits of Net Worth, Document Demands, Interrogatories, and Notices for Examinations Before Trial); the strategic use of *pendente lite* applications and matrimonial motion practice; settlement and negotiation options; and, the practical art of scribing Settlement Agreements and the court papers required to file for a divorce.

## **NEW YORK FAMILY LAW: EQUITABLE DISTRIBUTION**

**COURSE NUMBER: LAW 7714**

**Professor:** Weiss, Weiss/Wrubel

**Credits:** 2

**Pre/Corequisite:** None

This seminar explores important aspects of family law with a focus on the distribution of marital assets. The seminar covers issues such as the definition of martial property, its valuation and

determination of the extent of interest of the competing parties (including the circumstances inwhich the benefits and burdens of the equitable property provisions are applicable). With respect to the definitional questions, the seminar will look at issues that have been confronted by the courts (value of law licenses, professional practices, appreciation of separate property during marriage, and “new” property created by such events as in vitro fertilization). It also looks at the shaping and validity of matrimonial agreements as they affect equitable distribution. Finally, the seminar examines ethical and professional questions for lawyers, accountants, and other experts involved in equitable distribution proceedings.

## **NEW YORK PRACTICE**

**COURSE NUMBER: LAW 7307**

**Professor:** Lipshie

**Credits:** 3

**Pre/Corequisite:** None

This course covers the rules of practice in New York State courts, including questions of where to sue (jurisdiction, forum non conveniens, venue, subject matter jurisdiction), when a lawsuit may be brought (statute of limitations), the rules governing the commencement of an action (summons, service of process, commencement by filing), and the mechanics of litigation (pleadings, parties, motion practice, provisional remedies, accelerated judgment). Both sections at least touch upon the same range of topics; the principal difference between them is that the 3-credit course provides time to explore some of the important topics in greater depth.

## **NEW YORK STATE ATTORNEY GENERAL FIELD CLINIC/SEMINAR (SOCIAL JUSTICE DIVISION)**

**Course number: LAW 9202; 7991**

**Professors:** Saini/Fuchs, Ulmet/Saini

**Credits:** 7 for the year: 4 in the fall (2 clinical, 2 academic), 3 in the spring (2 clinical, 1 academic) – Graded Pass/Fail

**Corequisite:** Field Clinic Seminar

**Enrollment:** Open only to JD and LLM students who have been selected through the field clinic application process.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

In New York State’s nationally-renowned Office of the Attorney General (OAG), students work in the Civil Rights, Labor, Health Care, Environmental Protection, Tobacco Compliance, and Charities Bureaus of the Social Justice Division to protect New Yorkers’ legal rights. Students assist with affirmative and defensive litigation and public enforcement, developing skills in subpoena drafting, negotiation, legal research and writing, fact discovery and depositions, motion practice and/or oral argument. Participants take a seminar taught by two seasoned Assistant Attorneys General, which features lectures, workshops, simulations, and guest speakers. The course explores such issues as developing cooperative relationships with stakeholders, jurisdictional barriers to public enforcement such as pre-emption, educating the public through the media, deciding the appropriate remedies to seek against private individuals

and companies, and the ethics of public-sector work. Taught by Janice Dean, Assistant Attorney General, Environmental Protection Bureau, and Terri Gerstein, Bureau Chief, Labor Bureau, at the Offices of the AG located at 120 Broadway, New York. Participants work 10-15 hours a week in both the fall and the spring. The accompanying seminar is two credits in the fall and one credit in the spring.

[http://www.ag.ny.gov/our\\_office.html](http://www.ag.ny.gov/our_office.html)

### **Partnership Tax – See Taxation of Partnerships**

#### **PATENT LAW**

**COURSE NUMBER: LAW 7574**

**Professor:** Cohen, Gebru

**Credits:** 3

**Pre/Corequisite:** None

An introduction to the law and policy underlying the patent system. An analysis is undertaken of the process of obtaining a patent from the U.S. Patent and Trademark Office; the legal prerequisites to patenting an invention; the relationship between this area of law and state laws governing trade secrets; the legal, commercial and practical considerations involved in developing and protecting new technology; and the issues involved in determining and proving patent infringement. No technical background is required.

#### **PATENT LAW PRACTICE**

**COURSE NUMBER: LAW 7582**

**Professor:** Tsavaris

**Credits:** 2

**Pre/Corequisite:** None

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

The course will cover: 35 U.S.C. § 102, § 103, § 112 utility patents, taking an invention disclosure, and drafting a patent (with emphasis on claim drafting). The final exam will be a take-home, open-book project in which students will be provided with a patent application, drawings, and claims, and an office action to which students will prepare a response.

## **PAULSEN MOOT COURT COMPETITION**

**COURSE NUMBER: LAW 7953**

**Professor:** N/A

**Credits:** 1 clinical

**Pre/Corequisite:** None

The Monrad G. Paulsen Memorial Moot Court Competition is an intramural appellate advocacy competition on issues of Constitutional law, sponsored by the Moot Court Honor Society. Second and third year students write a brief on one of the two issues of law before the court and argue both issues orally before faculty, practicing attorneys and judges through several elimination rounds, advancing on the basis of both their written and oral scores. The competition problem will be posted on the Moot Court website at the start of the fall semester, along with the deadlines for submitting briefs.

Participants receive 1 pass/fail credit for their satisfactory, good-faith participation in the competition (regardless of whether they advance). Some participants may be invited to join the Moot Court Honor Society on the basis of their performance in the competition

Note that the normal add/drop period does not apply to the Paulsen competition; students may register for the competition any time up until the advertised deadline, and may drop it at any time before the actual competition. However, interested students are encouraged to register during the general summer registration period.

## **Pensions, ERISA, Profit Sharing, and Fringe Benefit Plans -- see, Employee Benefits, Pensions, ERISA and Executive Compensation**

## **PERSPECTIVES ON LAW**

**COURSE NUMBER: LAW 7141**

**Professor:** M. Stone

**Credits:** 2

**Pre/Corequisite:** None

Property, Torts, Criminal Law, Contracts and Constitutional Law — these subjects have longed comprised the fundamental curriculum in Anglo-American law schools. When you studied these subjects at the start of law school, you encountered a great number of legal rules and principles — for example, in tort, the definition of the standard of care in terms of the “reasonable person” or, in contract, the principle that promises are only enforceable if they are given for “consideration,” or in criminal law, the principle that criminal liability requires both an act and *mens rea*. The first-year treatment of these topics, however, offers little time to ask questions about the broader purposes of these long-standing rules. It is one thing to know the rules; it is another to understand the main answers that have been offered to questions like: “What purposes do these rules serve?” “Why does our law prefer these rules rather than others?” “Are the rules just a collection of different historical developments or do they add up to an

intelligent and possibly attractive picture of how people can live together on terms of mutual freedom and equality?" These are not just questions for a rainy day. While the rules and principles of law are taken for granted in routine trial work, questions about the larger purposes of the rules tend to arise in appellate cases, where courts have to interpret the rules and extend them in new situations. This is why a familiarity with different theoretical perspectives on law belongs in the tool-kit of a well-rounded lawyer. Members of this seminar will have an opportunity to revisit core legal rules and principles at a more reflective level, and to become acquainted with the diverse theoretical justifications that have been offered for them in the best classic and contemporary writing. We will argue with one another about the holdings in a few controversial cases as well. This course is suited for a variety of audiences. It would be ideal for: (1) anyone who has a possible interest in eventual law-teaching and who wishes to begin to orient themselves to contemporary legal scholarship; (2) LLM students in the comparative legal thought program who have an interest in substantive legal theory; (3) those whose writing projects, for a journal or otherwise, might benefit from a deeper theoretical orientation to law; and (4) anyone who wants to enlarge their legal education by connecting what they have learned in law school with broader social and humanistic questions. Active reading and engagement in class discussion is required. Students may elect either (1) to take a final take-home exam (which will offer a choice of general questions to answer) or (2) to write a final paper developing a topic of their choice. For students writing a paper, additional reading will be recommended.

(Depending on the interests of members of the seminar, family law might be substituted for constitutional law.) 2 credits. Take-home exam or paper option.

## **PLEA BARGAINING**

**COURSE NUMBER: LAW 7139**

**Professor:** Roberts

**Credits:** 2

**Pre/Corequisite:** None; Recommended: Criminal Procedure

**Skills Credit:** Successful completion of this course will award one (1) credit towards the JD experiential/skills credit requirement.

The vast majority of criminal convictions – more than ninety percent -- come not from a public trial verdict, but rather after a closed negotiation process ending in a guilty plea. In this course, we will examine plea bargaining and guilty plea jurisprudence, theory, and practice. We will consider debates over the utility, coercive aspects, and constitutionality of plea bargaining and guilty pleas. After exploring the role of the prosecutor, defender, and judge in plea bargaining, we will discuss ethical considerations for these institutional actors.

You will conduct a variety of simulated plea bargaining sessions in the course, one of which will be recorded and discussed in a small group critique session (one experiential credit). Preparation for the recorded bargaining session includes readings and class discussion about negotiation skills and theory, research on the case to be negotiated, and mooting with your classmates before

the final session is recorded. Finally, you will visit criminal court to observe guilty pleas and we will discuss these observations and your written reflections in class.

### **POLITICAL ECONOMY OF THE CITY (NEW SCHOOL)\*\***

**Professor:** Peter Eisinger, Servon

**Credits:** 2

**Pre/Corequisite:** None

This course introduces the framework of urban policy and development in the United States. The focus is on conveying a broad understanding of the structure and context in which local governments, local communities, and the private sector interact to formulate urban policy. The investigation of this dynamic leads to discussions of recent major development projects in New York City. In the end, students learn new ways of analyzing how urban policy is formulated and implemented in modern cities.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

### **POVERTY AND THE LAW**

**COURSE NUMBER:** LAW 7412

**Professor:** Diller

**Credits:** 2

**Pre/Corequisite:** None

We are living in a time of significant and rising income inequality. This course will examine the ways in which legal doctrine and policy both alleviate and exacerbate disparities in socioeconomic status. The course will survey key legal issues affecting low-income communities, beginning with an examination of the origins of social welfare policy and the due process and equal protection frameworks that have governed poverty-related claims. The course will then provide an overview of major anti-poverty initiatives, including those related to income support and welfare, housing, health care, and employment, and the doctrinal questions surrounding their implementation. The course will conclude by examining topics related to the equal administration of justice, including the ability of low-income people to access the courts in civil cases and the criminalization of poverty. In each section, we will explore recurring themes in debates over anti-poverty policy as well as the intersection of issues of race and gender. Readings will include case law, statutes, and social science scholarship as well as selected litigation documents. Grades will be determined by a final paper on a poverty law topic and class participation. The paper can be used for writing credit.

## **PRESIDENTIAL POWER & CONSTRAINT**

**COURSE NUMBER: LAW 7042**

**Professor:** Pearlstein

**Credits:**1

**Pre/Corequisite:** None

The first two years of the Trump Administration and the decline of democracies around the world have reinvigorated debates over the power of the presidency; they have also seen renewed interest in checks on presidential power. In this small seminar, we will evaluate the strength of various constraints on presidential power in our constitutional democracy. Topics will include the effectiveness of formal institutional rivals to the president (Congress and the courts), as well as the role of executive branch norms and other internal constraints, and the influence of “Fourth Branch” institutions like civil society and the press. Expect reading assignments to change over the course of the semester to account for current events.

## **PRESIDENT TRUMP AND THE LAW, THE ETHICS, AND THE POLITICS OF THE CONSTITUTIONAL ORDER**

**COURSE NUMBER: LAW 7044**

**Professor:** Smith, Rudenstine

**Credits:** 2

**Pre- or Co-requisite:** None

Donald Trump’s Presidency has given rise to numerous important constitutional matters that implicate not just the law, but the accepted values upon which the constitutional order depends. These issues, which will be studied in this seminar, include, but are not limited to, the following: the scope of executive privilege and of a president’s emergency powers; whether a sitting president may be indicted under federal and/or state law; whether a president may pardon himself or herself and whether a president’s use of the pardon power may constitute an obstruction of justice; whether congress has a legal right to obtain President Trump’s federal tax returns; whether congress and/or New York state officials have a legal right to secure President Trump’s financial records from private financial institutions; whether the Espionage Acts make it a felony for the press to publish classified information; whether President Trump has violated the Emoluments Clauses; whether President Trump should be removed from office pursuant to the Twenty-Fifth Amendment; and whether it is an impeachable offense for President Trump to fire certain executive officials, refuse to comply with congressional subpoenas, urge witnesses to lie in testimony given to congress or the courts, undermine the public’s trust in the judiciary and the press upon which the democratic order depends, falsely accuse political opponents of treason, suggests that he will not vacate the office of the presidency if he loses the 2020 presidential election, and lie repeatedly to the American public about a broad range of issues. The course has a final written examination.

## **PRETRIAL PRACTICE**

**COURSE NUMBER: LAW 7325**

**Professor:** Goldman/Ellenbogen, Kummer/Cohen, Shwartz/Beeken, Seiden/Gordon, Shwartz/Mani, Shwartz/Rappleye

**Credits:** 3 (2 academic, 1 clinical)

**Pre- or Co-requisite:** Evidence

**Skills Credit:** Successful completion of this course will award three (3) credits towards the JD experiential/skills credit requirement.

This course is designed for students with an interest in pursuing a career in litigation. While many students imagine such careers centered in the courtroom, civil litigators spend far more time preparing for trials. The focus of this course is to expose students to the major steps in preparing a civil case for trial. Students review and then practice all aspects of pretrial litigation, including: tactical and legal analysis of multiparty litigation; litigation planning; informal fact investigation and formal discovery processes; pleading, pretrial motions, and settlement strategies; issues in the judicial control of litigation; and ethical considerations arising from the litigation process. Throughout, the emphasis of this course is practical and student participation is critical.

## **Prisoners' Rights – See Rights of Prisoners and Detainees**

## **PRIVACY LAW**

**COURSE NUMBER: LAW 7494**

**Professor:** Wu

**Credits:** 3

**Pre/Corequisite:** None

This course covers laws relating to the privacy of personal information, ranging from the traditional privacy torts to sectoral statutes to FTC actions. There will be some coverage of surveillance law and checks on the government, but the focus of the course is on laws relating to private parties. In addition to U.S. law, the course will also examine the laws of other jurisdictions, primarily the European Union. This course does not address reproductive rights or other direct limits on the government's ability to proscribe individual acts, sometimes also referred to as "rights of privacy." The course has a take-home final examination.

## **PRIVACY THEORY SEMINAR**

**COURSE NUMBER: LAW 7496**

**Professor:** Wu

**Credits:** 2

**Pre/Corequisite:** None

This seminar explores the meaning and value of information privacy. What is privacy? Why

might we want to protect it? How can we think about the relationship between privacy interests and other social values? The course considers both privacy relative to the government and privacy relative to the media and the public. The relevant concepts will be explored both broadly and in the context of specific issues, such as national security, the privacy of consumer data, or the relationship between privacy and freedom of expression. No specific background is required, and in particular, it is not necessary to have taken the Privacy Law course in order to take this seminar (though it may be helpful). The reading materials will be drawn primarily from secondary sources. This course does not have a final exam. Grading will be based on class participation, short weekly writing assignments, and a final paper.

(This class was formerly known as the Privacy Law Seminar, and is not open to students who took it under the prior title.)

### **PRO BONO SCHOLARS PROGRAM**

**COURSE NUMBER:** LAW 7861; 7860

**Professor:** Various

**Credits:** 12

**Enrollment:** Open only to 3L students chosen through the application process.

The NY State Pro Bono Scholars Program (PBSP) Practicum is a statewide program established by the New York Court of Appeals that allows 3L students to sit for the February New York State Bar Exam during their last semester. Selected participants will then work full time their sixth semester of law school at a qualifying field placement while earning full academic credit. Scholars have the exciting opportunity to gain early bar admission, insight into law practice through a co-requisite seminar, and invaluable skills and experience while immersed in a public-interest work environment.

Upon acceptance to the PBSP Practicum, the Center for Public Service Law and the Externship Office will help Scholars secure a qualifying and Cardozo-approved placement with a nonprofit organization that provides direct legal services. Scholars are encouraged to engage with legal work and communities they are excited about. Examples of placements that participate in and qualify for the Pro Bono Scholars Program are: Advocates for Children, Brooklyn Defender Services, the Bronx Defenders, Center for Family Representation, the Legal Aid Society, Legal Services NYC, Mobilization for Justice, and New York Legal Assistance Group.

### **Participation Requirements**

Anyone considering participating in the PSBP Practicum should thoroughly review this memo as well as the program guide found at

<http://www.nycourts.gov/attorneys/probonoscholars/index.shtml>. These rules guide the program and bar admission for all participants. The courts lay out the minimum requirements regarding the PBSP in the program guide and they, along with Cardozo's additional requirements addressed in this memo, are controlling with regard to Cardozo's program. Questions or concerns about the program guide, the PBSP or the law school's program should be resolved before students agree to participate. Your questions are welcome and will be answered as thoroughly as possible. Please address them to Jenn Kim, Director of Externships, at jennifer.kim@yu.edu, or Jackie Cheney, Director, Center for Public Service Law at

[jacqueline.cheney@yu.edu](mailto:jacqueline.cheney@yu.edu).

To complete the PBSP, students are required to:

1. Sit for the February, 2019 Uniform Bar Examination.
2. Complete the mandatory seminar, open only to Cardozo's Pro Bono Scholars, that accompanies the fieldwork for the PBSP Practicum. This is a clinically-oriented course designed to support student fieldwork, hone practice skills and professionalism, help students engage in reflection about their field placements, and enhance the Program. The seminar will meet for approximately two hours each week.
3. Complete the required full-time fieldwork within the timeframe as set by the State (usually starting immediately after the February bar and ending the week of graduation), in the PBSP Practicum and receive a satisfactory evaluation from the supervising attorney.

### **Fulfilling Cardozo Requirements**

To be eligible for the program, students must have the ability to complete all Core Course Requirements as outlined in the student handbook.

Students participating in the PBSP will not be permitted to enroll in any courses during the Spring 2019 semester other than the PBSP. Furthermore, some extracurricular activities such as journal board positions and moot court may be incompatible with participating in the PBSP. Applicants should thoroughly investigate the scheduling demands of such programs in the spring, consider whether they are compatible with being a Pro Bono Scholar, and be prepared to discuss these issues if interviewed. Note that Scholars are expected to be at their fieldwork placements during regular business hours every day of the Program (emergencies excepted), with no leeway to attend daytime competitions, travel, or meetings. There is no spring break.

The Pro Bono Scholars Program is a 12 credit course. Students receive ten credits for the field work and two credits for the mandatory seminar. The fieldwork in the PBSP Practicum will be graded pass-fail. Scholars will receive a grade for the Practicum seminar. In planning your courses, carefully consider the limitations on credits earned in in-house clinics, field clinics, externships and certain other experiential courses and non-classroom credit-bearing activities such as journals and moot court. These limits are laid out in the Cardozo student handbook.

Applicants should make sure that they will be able to complete all graduation requirements before submitting their application. They should consult with the Registrar's office to ensure that they are certain to fulfill these requirements and that their participation in the PBSP does not bring them above either of the above-mentioned clinical credit limits.

The law school reserves the right to deny and/or revoke PBSP admission in unusual circumstances where the administration determines that the student's academic performance or other indications raise a serious and credible likelihood that the student will not pass the bar.

### **Application and Timeline**

To apply, submit the following on Symplicity by Friday, June 8th:

1. Resume;
2. Latest unofficial transcript including spring courses;
3. Writing sample (upload as WRITING SAMPLE); and
4. Cover letter – Write a cover letter addressing why you wish to participate in the PBSP and the type of placement you're interested in. Your cover letter should also state whether or not you have passed the Multistate Professional Responsibility Exam (MPRE) and New York Law Exam (NYLE) or, if not, when you intend to take these exams.\*

### **Selection Criteria**

Select students will be interviewed by the selection committee shortly after the application deadline. Note that this program is open to all students, and does not require any prior experience or interest in pursuing a career in public interest law. Students will be selected for the PBSP based on the following criteria:

1. Academic achievement: Because this is an accelerated academic program, a minimum GPA of 3.2 is required (though admission to the Program is not guaranteed when the minimum GPA is met);
2. Interest in and commitment to providing legal services to those in need;
3. Likelihood of performing well in a professional setting.

Pro Bono Scholars will begin bar studies in early January, 2019 and will sit for the New York bar in February, 2019. The Pro Bono Scholars will begin their work shortly after the bar. Students are expected to work approximately 45 hours per week including time spent in the classroom and log their hours. Participants are expected to work through Cardozo's spring break. Students will complete their semester in late May 2019 and can expect to graduate with their class upon completion of requirements. Students who pass the February bar exam and complete all other requirements for admission\* may be admitted to the New York State bar as early as June 2019.

\*Students are strongly advised to have passed the Multistate Professional Responsibility Exam (MPRE) and the New York Law Exam (NYLE) before beginning the Pro Bono Scholars Program. Please note that these examinations are only given at certain times during the year, so advance planning is required. The Pro Bono Scholars Program fulfills the New York State bar's requirement of 50 hours of pro bono work.

### **PRODUCT LIABILITY & SAFETY LAW**

**COURSE NUMBER: LAW 7810**

**Professor:** Gilles

**Credits:** 2 or 3

**Pre/Corequisite:** None

This course will examine the modern phenomenon of product liability and safety law. We examine this area from both a social and legal perspective, and will consider various theories of liability (negligence & strict liability in tort; warranty in contract). A central focus of the course will be the concept of defectiveness – manufacturing, design or warning – as well as important limits on this concept in the form of user choice and the passage of time. For students who plan to practice tort law from either a plaintiff's perspective (personal injury law) or a defense perspective (insurance defense, etc.), this advanced course is critical to understanding the issues

that contemporary lawyers in this field confront.

#### **PROFESSIONAL RESPONSIBILITY**

**COURSE NUMBER:** LAW 7753

**Professor:** Sebok, Bleich

**Credits:** 2 or 3

**Pre/Corequisite:** None

This course is a simulation-based exploration of the law governing lawyers. This includes the organization and operation of the legal profession, and the obligations of lawyers to their clients, to third parties and to society. The course seeks to provide a broad examination of the rules that guide the profession while examining these rules in the context of moral and philosophical concerns. The course combines traditional teaching methodology with simulations. The simulations are conducted in conjunction with practicing lawyers and judges who are Teaching Fellows for the Jacob Burns Ethics Center. This course focuses upon ethical issues that arise in civil litigation and transactions.

#### **PROPERTY [Required first-year course for JD students; tested on the Bar Exam]**

**C O U R S E   N U M B E R :** L A W   6 4 0 3

**Professor:** Sterk, Herz, Pollack

**Credits:** 5

**Pre/Corequisite:** None

Property explores the institutions of American property law, with a focus on real property. Particular attention is given to the system of “estates in land,” which concerns the ways in which ownership of real property may be divided over time. (Landlord-tenant law is one example of this sort of division.) The course also considers how the legal system resolves disputes among co-owners of land. Finally, the course examines how property law minimizes conflicts between neighbors by limiting the uses to which an owner can put property; these limits include common-law tort liability (nuisance law), private agreements (easements and covenants), and government regulation (takings and zoning law).

#### **PROSECUTOR PRACTICUM**

**COURSE NUMBER:** LAW 7366

**Professor:** Galperin

**Credits:** 10 clinical (plus 2 academic credits from the corequisite course)

**Corequisite:** Criminal Justice and Society Colloquium

**Enrollment:** Open only to JD students who have been selected through the clinic application process; limited to eight students selected by the instructor, based on interviews.

**Skills Credit:** Successful completion of this course will award ten (10) credits towards the JD experiential/skills credit requirement.

The Prosecutor Practicum and Colloquium is a unique twelve-credit clinical program open to

third-year law students that involves an intensive full-time internship at the Manhattan District Attorney's Office in the fall semester only, and a weekly seminar at the Law School. The program enables the interns to acquire litigation skills as well as practical and theoretical insights into the system of criminal justice.

The program has two components. First, students in the Practicum (conducted on a Pass/Fail basis) are sworn in as Student Assistant District Attorneys. They participate, along with the newly hired Assistant District Attorneys, in a four-week orientation program involving a series of lectures and workshops, periods of courtroom and complaint room observation, and tours of various law enforcement and forensic facilities. This orientation provides practical training in substantive criminal law, criminal procedure, evidence, and professional responsibility.

After orientation, the interns go to work in trial or specialized bureaus. They assist attorneys handling felony and misdemeanor cases, and "second-seat" a felony jury trial. Prof. Galperin, who also teaches the Colloquium, meets Monday evenings with the interns as a group, treating trial advocacy and using student cases and research projects as points of departure to discuss factual, legal and ethical issues confronted by attorneys in general and prosecutors in particular.

Throughout the semester, the interns, working under student practice rules, are assigned to the "Quality of Life" Part of the Criminal Court where designated misdemeanors and petty offenses are heard. The students assist in handling the calendar in court; respond to defense motions; engage in plea negotiations; and have the opportunity to participate in bench trials.

Second, the interns also participate in the weekly two-hour Criminal Justice and Society Colloquium, which is open to other students at the Law School. This seminar explores diverse issues in substantive and procedural criminal justice, and quasi-criminal processes. We consider the rule of law and the concept of justice in a range of problematic areas. In understanding constitutional limitations of defining criminal conduct, we study vagueness, status crimes, sexual relations, and *ex post facto* prosecutions such as Nuremberg's "crimes against humanity." Processes and requirements for bringing charges, standing trial, and sustaining convictions are critically analyzed. The balance between individual liberty or privacy and national security or public safety is weighed. The psychiatric defenses of "insanity" and "extreme emotional disturbance" are examined. Select facets of capital punishment are treated. Throughout the course, United States Supreme Court opinions, New York statutes and court decisions, case studies, and secondary sources are used as the bases for class discussion.

Enrollment in the Practicum is limited to eight students selected by the instructor, based on interviews. Students selected for the Practicum must take part in the Colloquium. Students who apply but are not selected for the Practicum may still enroll in the Colloquium. Students may enroll in the Colloquium without applying for the Practicum. A paper is required of all Colloquium students, and may be enhanced to qualify for writing credit. *Students may participate in only one internship (fall, spring or summer) at the Manhattan District Attorney's*

*Office or Office of the Special Narcotics Prosecutor.*

**PUBLIC HEALTH LAW AND POLICY**

**COURSE NUMBER:** LAW 7723

**Professor:** Gerwin

**Credits:** 2

**Pre/Corequisite:** None

This course will examine the legal issues and policy debates associated with government efforts to protect the health of citizens, populations, and communities. The course will focus on topics that currently occupy the United States' political and legal agenda, including the extent of constitutionally-authorized and politically-desirable laws or government actions in mandating health protections, conducting surveillance, reducing risk and preventing risky behavior, and responding to public health emergencies. While focusing primarily on public health rather than health care, the course will examine proposals for expanding American's access to health services by reforming the health care system. The course will utilize a text and assigned additional readings but will remain open to discussion of current issues as they arise. The final grade will depend upon the quality of the in-class contribution and a take-home exam.

**PUBLIC SECTOR EXTERNSHIP PROGRAM**

**COURSE NUMBER:** LAW 7998

**Professor:** Jennifer S. Kim

**Credit:** 2

**Corequisite:** Corresponding Externship Seminar

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

In the public-sector program, students work for credit in government agencies, nonprofit organizations, and judges' chambers, while taking a mandatory accompanying seminar on substantive law and professionalism related to the externships.

**PUBLIC SECTOR EXTERNSHIP SEMINAR**

**COURSE NUMBER:** LAW 7996

**Professor:** Various

**Credit:** 1

**Corequisite:** Corresponding Externship Placement

Focusing on government and public-interest lawyering, this seminar will address substantive legal issues related to students' placements and also issues of professionalism such as ethics, critical reflection on practice, and exploring issues that arise in the placement. The seminar is open to students in government and nonprofit placements, but not to students in judicial placements (who are eligible to participate in the Judicial Externship Seminar).

## **PUBLIC SECTOR LABOR AND EMPLOYMENT LAW**

**COURSE NUMBER: LAW 7874**

**Professor:** Weisenfeld

**Credits:** 3

**Pre/Corequisite:** None

This three-credit hour course will cover the major legal aspects of the employment relationship unique to the public sector (as compared to the courses in Labor Law and Employment Law, which primarily address the private sector). We will examine the differences (and overlaps) between the public and private sectors, constitutional and statutory bases of protection for public sector employees, and the history and practice of collective bargaining and grievance handling in the public sector. There are no pre- or co-requisites. Labor Law and Employment Law are each useful as background, but are not required for successful completion of the course.

## **RACE AND CRIME**

**COURSE NUMBER: LAW 7140**

**Professor:** Oberman

**Credits:** 2

**Pre/Corequisite:** TBD

To be provided.

## **RACE, LAW, AND REMEDIATION**

**COURSE NUMBER: LAW 7510**

**Professor:** Adams

**Credits:** 2

**Pre/Corequisite:** None

With such watershed events in the civil rights movement as *Brown v. Board of Education* and the civil rights acts of the 1960s, the eradication of racial subordination in America seemed an achievable goal. Whether the law has aided or impeded the cause of civil rights in the past, and the extent to which the law can help to resolve racial issues in the present and future, are questions of considerable controversy. This course examines the response of law to racial issues in a variety of contexts, including segregation, education, voting, affirmative action, and housing. More specifically, this course will explore race-conscious remedies designed to ameliorate race discrimination and inequality. To that end, the course will focus on the location of race-conscious remedies within the existing framework of anti-discrimination law, both statutory and constitutional, as well as various critiques of traditional remedial approaches. The materials consist of a mix of cases and scholarly commentary.

## **REAL ESTATE FINANCE**

**COURSE NUMBER: LAW 7845**

**Professor:** Hait

**Credits:** 2

**Pre/Corequisite:** None

This course is designed to give the student a rudimentary, business level understanding of how the acquisition of income producing commercial real estate is financed. No prior knowledge of business or real estate is needed, but the student should have some level of comfort with very basic math skills (multiplication, division and how to convert fractions into percentages).

Students will come away from the course understanding the importance of the relationship between “equity” and “debt”, and why “leverage” (borrowing) is critical to real estate investing. The class will be taught through an in-class examination of a series of simple hypothetical case studies. Over the term of the course, students will learn the basic glossary of real estate investing terminology. Some basic legal concepts routinely found in real estate lending will also be taught.

The in-school final exam will ask students to demonstrate their ability to understand a basic term sheet for a commercial real estate loan.

**REAL ESTATE REPORTER**

**COURSE NUMBER:** LAW 7958

**Professor:** Sterk

**Credits:** 2 (1 clinical, 1 academic)

**Pre/Corequisite:** None

**Enrollment:** Open only to JD students; limited to 6 students

In this small, intensive course, students prepare case comments for publication in the *New York Real Estate Law Reporter*. They receive short research and writing assignments every three weeks, and have four to five days to complete first drafts. Each assignment involves multiple drafts, and students are expected to critique the work of their classmates. Emphasis on the development of legal writing skills, particularly the ability to write concisely, and on the importance of facts in legal analysis and writing.

Because of the limited space in the course, students who register for the course will not be permitted to drop the course once they have registered. Any student who has uncertainty about the course requirements should communicate with Professor Sterk before registration.

**REAL ESTATE TRANSACTIONS**

**COURSE NUMBER:** LAW 7421

**Professor:** Rishty

**Credits:** 2

**Pre/Corequisite:** None

This course examines the fundamental business and legal building blocks of real estate transactions, with a focus on the commercial and practical aspects of the sale process, the

contract of sale, real estate loans, remedies, closing documents and the closing. The course will include mock negotiations of a purchase and sale agreement and a mock closing.

### **REMEDIES AND THE LAW**

**COURSE NUMBER: LAW 7372**

**Professor:** Various

**Credits:** 2

**Pre/Corequisite:** None

**Enrollment:** Open to 2L students only.

This course will review, build on and reinforce doctrinal knowledge by focusing on remedies in select topics in the subjects of Torts, Contracts and Property. The course combines doctrinal review with skills development in answering essay and multiple choice questions. This course is geared to second year students whose GPAs show the need to further develop the connection between doctrinal understanding and analytic, writing and test taking skills both for law school success and looking ahead to bar exam question facility.

*The course will be graded, though students may elect a Pass option upon receiving their final grade.*

### **REMEDIES AND THE LAW FOR LL.M. STUDENTS**

**COURSE NUMBER: LAW 7376**

**Professor:** Pantazakos

**Credits:** 2

**Pre/Co-Requisite:** None

**Enrollment:** Open to LL.M. students only.

Focusing on remedies in Contracts, Torts and Property, the class will concentrate on selected doctrinal review and discrete problems, interweaving doctrinal understanding with its application. Selected doctrinal review will be coordinated with multiple choice questions and essay and document based writing assignments. Individual and group feedback on all work will target analytic understanding, test taking skill development and writing skills, and will look ahead to bar exam question facility. Students will be graded on short, weekly assignments, class participation, and a final in-class assignment.

### **REPRESENTATION IN MEDIATION (IMAP)**

**COURSE NUMBER: LAW 7308**

**Professors:** White, Abramson/Waldman

**Credits:** 2

**Pre/Corequisite:** None

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement.

Offered during the January Intersession, this intensive, interactive course introduces students to negotiation and mediation theory and develops strategies and skills for effective attorney representation in mediation. The course will examine attorney responsibilities in advising clients about dispute resolution options, in preparing both the case and the client for mediation, and in representing the client effectively in the mediation session itself. There will be a substantial reading assignment prior to the commencement of the course. The program will culminate in the students participating in a mock mediation coached by seasoned mediators. The course will have a take-home examination which will be available after the final class.

### **REPRODUCTIVE ETHICS**

**Professor:** Flicker

**Credits:** 2

**Pre/Corequisite:** None

This course will explore legal and ethical issues raised by reproduction and the use of assisted reproductive technologies. We will study legal theory and practice involving contraception, assisted reproduction, abortion, sterilization, and personhood. We will approach these topics using a wide range of sources, including legal cases, historical scholarship, and bioethics literature. Grades will be determined by class participation and a final paper.

### **REPRODUCTIVE RIGHTS**

**COURSE NUMBER:** LAW 7490

**Professor:** Bodde

**Credits:** 2

**Pre/Corequisite:** Constitutional Law I

The capacity to become pregnant and the ability to determine when and whether to have a child are at the core of gender equity legal issues. In the United States, thousands of legislative proposals are introduced every year that impact people's ability to determine their reproductive lives and future. In this course, students will gain a unique opportunity to explore the reproductive rights legal landscape and how it has developed over time, understand the intersection between reproductive rights and other constitutional protections, and recognize how the law impacts various communities.

### **RESTORATIVE JUSTICE**

**COURSE NUMBER:** LAW 8318

**Professor:** Love

**Credits:** 2

**Pre/Corequisite:** None

This 2-credit course introduces students to the innovative ideas and practices around a justice approach where individual and community healing is at the forefront in the wake of calamities and crimes. This alternate approach is in contrast to a retributive system of justice where

punishment, proportionate to the offense, is doled out to offenders and where victims are sidelined. Students will explore the philosophical and theoretical underpinnings of restorative and therapeutic justice and practice, in class, different techniques associated with various approaches. Students will also be asked to observe up to 6 hours in the community, related to their chosen research project and to write a paper which captures both their scholarly and field research.

#### **RESTORATIVE JUSTICE PRISON PROJECT**

**COURSE NUMBER: LAW 7181**

**Professor:** Love

**Credits:** 2

**Pre/Corequisite:**

Innovations in Justice

or Mediation Clinic

For a select group of students, a one-credit service-learning program will follow this course. Students will help design and deliver a program for inmates in a nearby prison that will utilize a reentry circle process to help inmates connect with one another and to enable participants to use the conversational tools studied while in prison and also in their own family, work and community after reentry. In addition to the workings of a circle, participants will study and practice a variety of listening skills, the art of identifying interests and issues in compelling language, the practice of being mindful in the construction of conversational agendas, and how to generate collaboration and movement in conversations.

#### **RIGHTS OF PRISONERS AND DETAINEES**

**COURSE NUMBER: LAW 7111**

**Professor:** Reinert

**Credits:** 2 or 3

**Pre/Corequisite:** None

This course will explore the foundational rights afforded prisoners and detainees in several different contexts. The focus of the course will be on the substantive, primarily Constitution-based, rights claimed by prisoners and detainees within the United States. Attention also will be paid to the history of prisoners' rights litigation, practical considerations in bringing modern prisoner and detainee rights cases, the role of international sources of law in adjudicating prisoner and detainee rights, and the rights afforded "extra-territorial" detainees.

#### **ROLE OF RELIGION IN WAR AND PEACEBUILDING**

**COURSE NUMBER: LAW 7135**

**Professor:** S. Stone  
**Credits:** 2  
**Pre/Corequisite:** None

The religious-ethnic-nationalist conflicts in the Middle East and elsewhere have given rise to a dramatic re-examination of the role of religion in both promoting and preventing conflict. This course examines how diverse religious traditions view world order, the morality of and norms governing war, and post-war reconciliation. We will explore these topics from a variety of disciplinary perspectives: comparative law, sociology of religion, political theory, and religious studies. The course will combine theory with case studies drawn from the contemporary Middle East, including Israel.

#### **RULES AND REASONS IN THE JURISPRUDENCE OF THE ISRAELI SUPREME COURT AND IN MODERN JEWISH LAW**

**Professor:** Lorberbaum  
**Credits:** 1  
**Pre/Corequisite:** None

In the seventy years of its existence there were dramatic changes in the Jurisprudence of the Israeli Supreme Court (hereafter: ISC). From its inception in 1948 till the late 1970s, the ISC subscribed to what scholars describe as formalistic, rule-oriented ways of legal reasoning. Yet, from the early 1980s, under the aegis of Justice Aharon Barak, the ISC turned to legal reasoning based not on applying rules, but on weighing reasons and justifications. One scholar called this shift: "The decline of formalism and the rise of values in Israeli law."

Jewish Law, on the other hand, underwent in the modern era an opposite process: its legal (halakhic) reasoning increasingly became entrenched in formalism, conceptualism and rulism.

The purpose of the course is to describe these two opposite processes, to depict their background, and to analyze their causes. Among the question to be discussed in the course are:

- What is legal formalism and what are the values underlying it? What is non-formalistic legal reasoning and what are its advantages and disadvantages?
- What are the relations between rules and reasons/values?
- What caused the change in ISC, from legal reasoning based on rules, to legal reasoning based on reasons and values? What impact did it have on Israeli law and Israeli society?
- What caused Jewish law in the modern era to move in the opposite direction? Are they religious reasons or social-political reasons?
- Are there connections between these two developments?

#### **SECURITIES ARBITRATION CLINIC [IN-HOUSE CLINIC]**

**COURSE NUMBER:** LAW 7323

**Professor:** Goldman  
**Credits:** Full-year clinic. 8 credits per year

**Pre/Co-requisite:** Corporations. Highly Recommended: Securities Regulation

**Enrollment:** Open only to JD students who have been selected through the clinic application process.

**Skills Credit:** Successful completion of this course will award eight (8) credits towards the JD experiential/skills credit requirement.

The students in the Securities Arbitration Clinic, under faculty supervision, work on arbitration cases against brokers, broker-dealers and clearing firms. These arbitration cases are most frequently brought before the Financial Industry Regulatory Authority (FINRA) (FINRA is the entity resulting from the merger of the New York Stock Exchange and National Association of Securities Dealers), the American Arbitration Association (AAA), and, in commodities trading cases, the National Futures Association (NFA). The students interview the clients and perform all of the case-intake functions necessary for evaluation of the Clinic's cases, many of which are referred to the clinic by FINRA, the United States Securities and Exchange Commission, or the New York Bar Association. Once the Clinic agrees to be retained as counsel, the students then draft and file the pleadings and motions in the arbitration proceedings, negotiate with opposing counsel, and settle, mediate, and/or try cases before the arbitrators in the proceedings to which they are assigned.

All students in the Clinic are admitted to practice before the First Department for the State of New York for purposes of their Clinic work and, under faculty supervision, function as attorneys for their clients in the attendant arbitration proceedings. All students are bound by the same ethical rules governing the practice of law for attorneys admitted in the State of New York, and there will be instruction and constant ongoing discussions about maintaining the highest ethics in our practice.

In the didactic portion of this year-long course, students will, through a discussion and analysis of case law, statutory and regulatory authority, learn about the federal and state securities laws and the common laws governing the issues presented in the Clinic's cases; learn the procedural rules governing arbitration proceedings before the various tribunals before whom the Clinic practices; and through simulations and work on their assigned cases, learn, among other things, how to: investigate and prepare a case for arbitration; craft opening statements and closing arguments; present evidence in arbitration proceedings; cross examine expert and lay witnesses; and present the often complex data regarding damages in the Clinic's cases.

## **SECURITIES LITIGATION**

**COURSE NUMBER: LAW 7328**

**Professor:** Conn

**Credits:** 2

**Pre or Corequisite:** Corporations

Securities litigation is a complex area of the law that is constantly evolving. Over the last ten years, the U.S. Supreme Court has issued at least ten decisions impacting the way securities actions are litigated and determined. Securities actions are not only complicated to litigate, but

due to the high financial stakes, these actions can be among the most threatening to a company's survival. The main focus of this class will be on the stages and practical considerations in taking one of these complex securities actions from a complaint through resolution at trial or by settlement. The class also will cover different types of related actions and proceedings and the impact on private securities actions.

## **SECURITIES REGULATION**

**COURSE NUMBER:** LAW 7056

**Professor:** Goldman, Schroeder

**Credits:** 3

**Pre or Corequisite:** Corporations; LLM students may apply to professor for a waiver of this requirement.

A study of the federal regulation of investment securities, including the Securities Act of 1933, which regulates the distributions of securities, and the Securities Exchange Act of 1934, which regulates markets in securities. Subjects include disclosure obligations, public offerings and private placement, anti-fraud provisions and prohibitions on insider trading. The emphasis is on the duties of issuers, management and directors, underwriters and their respective attorneys.

## **SEXUAL ORIENTATION, GENDER & THE LAW**

**COURSE NUMBER:** LAW 7234

**Professor:** David, E. Stein

**Credits:** 2

**Pre/Corequisite:** None

This course will look at legal issues relating to sexual orientation and gender, especially questions relating to lesbian, gay and bisexual rights, women's rights, and the rights of transgendered people. The course will look at both constitutional and statutory issues, with particular attention to issues relating to speech, families, reproduction, and discrimination.

## **SITUATED BIG DATA (NEW SCHOOL)\*\***

**Professor:** Fullilove

**Credits:** 2

**Pre/Corequisite:** None.

“Big Data” has been greeted as the solution to all of our ills, but no data is free of the methods and intents with which it was produced and analyzed. This course will use “situation analysis” to place “Big Data” in the context of the everyday struggles of key actors. By honoring the voice, perspective and lived experience of the people on the ground, who find themselves in contention, we can get closer to a deep understanding of the meaning of numbers.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New**

**School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

## **SOCIAL MEDIA LAW**

**COURSE NUMBER: LAW 7603**

**Professor:** Graif

**Credits:** 2

**Pre/Corequisite:** None

An examination of legal issues unique to social media: As millions use social media to chronicle their daily lives, a host of legal as well as ethical issues arise. This course will examine those issues, the inherent tension between information sharing and privacy, and how courts, employers and regulators are shaping the law.

## **SOCIAL POLICY AND INCLUSIVE DEVELOPMENT (NEW SCHOOL)\*\***

**Professor:** Martin

**Credits:** 2

**Pre/Corequisite:** None

This course will explore the comparative and global political economy of nationally contained practices, institutions, and networks of social and labor protection (and lack or weakness thereof), known as "welfare regimes." Analysts and practitioners in the global South have sought to make sense of what such originally Northern concepts like the "welfare state" and "welfare regimes" mean, and have suggested reorientations of these dominant paradigms around different policy and analytical constructs. We will explore how policies are shaped, and what factors condition efforts at reform, expansion, or retrenchment of social benefits and services. Why has there been a heightened focus on poverty and inequality in recent times, and in spite of growing global flows of goods, services, capital and people why have recent trends in inequality diverged considerably across countries and world regions? How are different national "systems" of social protection (with all their attendant strengths and weaknesses) built and remade over time? What is the role of debates about universalism vs. targeting, about conditionality and means-testing, about international diffusion of policy reforms versus local experimentation, and about notions of risk and vulnerability, needs, and rights as alternative or complementary principles for constructing mechanisms of social provisioning relevant to various development contexts? What roles do interests, ideas, international pressures and actors, political coalition-building, and democratic politics play in shaping social policy? What are the underlying intellectual and policy debates about the factors shaping patterns of poverty and inequality, and how do such debates shape struggles over policy? Particular attention will be paid to struggles and policies regarding preventive health care; anti-poverty schemes such as cash transfers and public works; measures impacting labor markets and relations, employment and the informal sector; national and regional trends in income and wealth inequality, and reform and expansion of primary and secondary education. The course will be cross-regionally comparative, considering experiences

from Latin America, India, Southeast and East Asia, and sub-Saharan Africa as well as lessons and parallels from Northern experiences (Western Europe and the United States in particular), both historical and contemporary. We will make broad interdisciplinary use of literature from political science, economics, sociology, anthropology, and the policy sciences.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

### **Social Welfare Litigation Seminar – See Civil Litigation Seminar**

#### **SPECIAL EDUCATION LAW AND ADVOCACY FIELD CLINIC AND SEMINAR**

**COURSE NUMBER: LAW 7733; 7734**

**Professor:** Paek/Grant

**Credits:** 4 (2 clinical, 2 academic)

**Pre/Corequisite:** None

**Enrollment:** Open to JD and LL.M. students who have been selected through the clinic application process.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

This seminar combines classroom study of the history and practice of special education law with hands-on involvement representing parents of children with disabilities in special education cases in New York City. The goal of the field clinic is for students to gain understanding of the process of representing families of students with disabilities, while honing basic trial skills. Students will work at Advocates for Children and collaborating organizations which provide free legal services to low-income families.

In their fieldwork, students will assist with the representation of families seeking appropriate educational services and placement from the New York City school system. Students will assist with or advocate at the administrative hearings which will determine what educational services and placement are appropriate for a student with a disability. These hearings involve legal research, opening statements, direct and cross examination, and closing statements.

The seminar surveys key topics in special education law. We will review the history of special education and explore its legal framework in New York City, including relevant statutes, regulations, and caselaw. Students will practice the skills involved in representing a family seeking services and placement. Students will also address the policy-level and practical aspects of the system for students with disabilities and for school districts responsible for the provision of education services.

Participating organizations include:

Advocates for Children, <http://www.advocatesforchildren.org/>

Legal Services NYC Bronx, <http://www.bronx.llegalservicesnyc.org/index.jsp?npid=134>

Manhattan Legal Services,

[http://www.llegalservicesnyc.org/index.php?option=com\\_content&task=view&id=93&Itemid=13](http://www.llegalservicesnyc.org/index.php?option=com_content&task=view&id=93&Itemid=13)

## **SPECIAL TOPICS: LINCOLN, COVENANT, AND THE LAW**

**Credits: 2**

**Prerequisite: None**

More books have been published about Lincoln than any other president, and he remains today perhaps the most studied statesman in the history of the world. In this seminar, Lincoln scholar Harold Holzer, in conversation with Meir Soloveichik, will examine the lessons of Lincoln's life in all of its multifaceted magnificence. Throughout the course we will study Lincoln as statesman, politician, political theorist, husband, father, orator, and theologian. Questions to be considered will include: How did Lincoln's early life help form him into the leader that he became? What role did religion play in Lincoln's life, and how did this evolve, and change, during the civil war? How did the foundational documents of American public life impact Lincoln's worldview? What personal challenges did Lincoln face, in his own life and that of his family? What is the role of rhetoric in Lincoln's achievements and legacy? How can Lincoln, as a role model, inspire us today, and how can we apply the lessons of his story to the challenges that America faces in our age?

## **SPORTS AND THE LAW**

**COURSE NUMBER: LAW 7783**

**Professor:** Zimmerman

**Credits: 2**

**Pre/Corequisite:** Copyright or Trademark

The course will be a general survey of intellectual property law and related issues that arise in the context of professional sports. Ownership and protection of trademark, copyright, and publicity rights will be a particular focus. We will also examine issues relating to sports marketing, licensing agreements, sporting event telecasting, fair use, and parody.

## **STARTUP LAW**

**COURSE NUMBER: LAW 7867**

**Professor:** Wright

**Credits: 2**

**Pre/Corequisite:** None

This course examines common legal issues facing startups. Issues addressed include: entity

formation, seed and angel funding, venture capital funding, copyright/trademark issues, terms of service, privacy policies, open source technology, stock options, employment issues, and alternative forms of financing, such as crowdfunding. The course will include drafting exercises and mock exercises geared toward practical skills.

### **STATE AND LOCAL GOVERNMENT**

**COURSE NUMBER: LAW 7520**

**Professor:** Pollack

**Credits:** 3

**Pre/Corequisite:** None

This is a course about who should make what laws and be responsible for which services, and how we should decide. Understanding how state and local governments make laws, share governing responsibilities, and interact with each other and with the federal government has always been an important part of a legal education because state and local governments affect our everyday lives in countless ways. They provide critical services and public goods, impose many of the regulations with which we interact most, serve as incubators for policy innovations and social change, and offer a special (and potentially sinister) kind of political responsiveness. So whether you are interested in real estate law, tax law, criminal law, civil rights, education, transportation, immigration, environmental law, or nearly anything else—and whether your interest is in litigating, policymaking, or both—you will be dealing with state and local legislators, regulators, and enforcers. This course will help prepare you for that work. Moreover, the last few years have seen state and local governments rapidly emerge as major players in a whole host of social and economic policy issues. As a result, the big questions of federalism, power, and accountability are even more salient than ever. This course will explore those themes throughout, while providing a firm grounding in black-letter state and local government law that will enable you to emerge as better policymakers and lawyers.

### **STATE AND LOCAL TAXATION**

**COURSE NUMBER: LAW 7650**

**Professor:** Zelinsky

**Credits:** 2

**Pre/Corequisite:** Federal Income Tax

For individuals and entities planning or engaging in business transactions, the dollar impact of state and local taxes often equals or exceeds that of the federal income tax. Thus, state and local tax issues must be considered by any competent tax planner. Further, unlike in the case of the federal income tax, the U.S. Constitution provides significant limitations on the structure and reach of state and local taxes. Federal statutes also limit certain state and local taxes. This course will explore the statutory and constitutional issues in state and local taxation, including income, property, and sales and use taxes on individuals and entities.

## **STATISTICS**

**COURSE NUMBER: LAW 7761**

**Professor:** Jacobson

**Credits:** 2

**Pre/Corequisites:** None

The aim of the course is to prepare you to be an intelligent consumer of statistical services in your work as a lawyer. The course will thus emphasize concepts over calculation. Grading, which will be based on written assignments, will be on a Pass/Fail basis.

## **SUPREME COURT: THEORY AND PRACTICE**

**COURSE NUMBER: LAW 7350**

**Professor:** Shaw

**Credits:** 2

**Pre/Corequisite:** None

This course is an introduction to the US Supreme Court as an institution, with a focus on research on the Court (both legal and social scientific), and popular writings on the Court. Readings during the first half of the course will explore presidential nominations to the Court; the Justices' deliberative processes; the relationship between the Court and the elected branches of government, and among Justices; the role of the Solicitor General; amici; law clerks; and the phenomenon of "ideological drift."

The second half of the course will feature an in-depth study of cases pending before the Court, including the opportunity to analyze, argue, and draft opinions in pending cases.

Evaluation will be based on class participation, a series of short writing assignments, and performance during the simulation section of the course. There will be no final exam.

## **SURVEILLANCE, PRIVACY AND HUMAN RIGHTS (NEW SCHOOL)\*\***

**Professor:** Pospisil

**Credits:** 2

**Pre/Corequisite:** None

The evolution of new technologies and means of electronic communication have undoubtedly enlarged the opportunities to realize one's human rights but they have also brought new kinds of challenges. Increasing global attention to the right to privacy can be understood as a response to these challenges. The emergence of big data and its profiling for public and private purposes, the mass use of geo-location, cloud computing, mobile internet, and social networks bring different meanings to terms such as public and confidential. In fact, recent indiscretions of collaborators of secret services have revealed that we live in an era in which some governments collect and process the largest amounts of personal data in human history. This seminar intends to place these revelations within the history of surveillance and privacy and compare methods and approaches to the control of data on the behavior, communication and characteristics of

populations in different types of societies labelled as democratic as well as authoritarian and totalitarian. The course will explain the effects such methods of surveillance have on the efficiency of government and also on the behavior of individuals and social groups. It will describe the evolution of legal frameworks of international privacy and data protection and their connections to human rights law. We will analyze shifts and changes in ancient concepts of private and public spheres in societies equipped with the means of mass control and explore the extent to which Bentham's concept of the panopticon and Foucault's concept of governmentality are now applicable to countries that are pursuing policies of dataveillance or global surveillance justified as necessary counterterrorism measures.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

#### **SUSTAINABILITY PERSPECTIVES AND PRACTICE (NEW SCHOOL)\*\***

**Professor:** Clinton, Baptista

**Credits:** 2

**Pre/Corequisite:** None

This course provides an array of perspectives from which sustainability issues are viewed, including ecopsychology, environmental history, deep ecology, ecofeminism, environmental justice, bioregionalism, Green political movements, ecological identity, and consumer-behavior studies. The course will introduce specific competencies for sustainability practice, including negotiation, conflict resolution, decision making, communication, interprofessional collaboration for systemic change, and reflective practice. The goal is to inform professional practice by broadening students' views on relevant issues through multiple lenses, while also focusing problem-solving, seeking to balance knowledge generalization and specialization.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

## **TAX LAW FIELD CLINIC**

**COURSE NUMBER: LAW7833; 7834**

**Professor:** Hsiung

**Credits:** 4 (2 academic, 2 clinical) – Graded Pass/Fail

**Pre/Corequisite:** None; Recommended: Administrative Law and Federal Income Tax are preferred as pre- or co-requisites. Background in accounting or financial areas are also considered but not required.

**Skills Credit:** Successful completion of this course will award two (2) credits towards the JD experiential/skills credit requirement. Note: only up to 2 clinical credits earned in field clinics or externships can be applied to the experiential/skills credits requirement.

Students are placed in select legal services offices with low-income taxpayer clinics. Out in the field, students will have the opportunity to work with experienced practitioners on a variety of personal income tax issues affecting their clients. Students will learn how to analyze complex documentation, how to articulate tax concepts to low-income clients, many of whom have little understanding of the tax system, and how to advocate on those clients' behalf. Students will be able to discuss their experiences at a weekly seminar focusing on topics such as tax return basics, IRS examinations, identity theft, Tax Court representation, and collections. Upon completion of the clinic, students will have acquired an understanding of the inner workings of a tax controversy case and will have developed skills as an advocate for taxpayers. Basic course in Federal income tax helpful, but not a prerequisite. Weekly seminar taught by Elizabeth Hay and Daniel Hsiung, The Legal Aid Society Low-Income Taxpayer Clinic. Administrative Law and Federal Income Tax are preferred as pre- or co-requisites. Background in accounting or financial areas are also considered but not required.

## **TAXATION OF INTELLECTUAL PROPERTY**

**COURSE NUMBER: LAW 7613**

**Professor:** Engler

**Credits:** 2

**Pre/Corequisite:** None

This course covers the tax treatment applicable to the sales, purchases, licensing and transfers of intellectual property (IP), such as patents, trade secrets, trademarks, copyrights, and computer software. It will begin with a brief introduction to the field of intellectual property for those unfamiliar with this area of law. Specific tax areas then covered will include some or all of the following: the different tax treatment afforded to the development, acquisitions, and transfer of IP; the use of IP holding companies and R&D limited partnerships; IP litigation in taxation; international IP transactions and cost sharing arrangement taxation; and internet/e-commerce taxation.

## **TAXATION OF PARTNERSHIPS**

**COURSE NUMBER: LAW 7609**

**Professor:** Cunningham

**Credits:** 3

**Prerequisite:** Federal Income Tax

This course is a study of the provisions of the Internal Revenue Code that govern the taxation of partners and partnerships. These provisions apply to the majority business enterprises formed today, both partnerships and limited liability companies, and familiarity with them is essential for any student considering a career in tax law. Topics covered will include the tax consequences of contributions to and distributions from partnerships, the rules governing allocations of income among partners, and the tax treatment of acquisitions and dispositions of partnerships interests.

## **TAXATION OF REAL ESTATE**

**COURSE NUMBER: LAW 7618**

**Professor:** Engler

**Credits:** 2

**Pre/Corequisite:** None

This course covers the federal income tax consequences related to the acquisition, holding, and disposition of real property. Topics will include choice of entity for the holding of real property, installment sales, like-kind exchanges, and the passive loss rules.

## **TECH STARTUP CLINIC [IN-HOUSE CLINIC]**

**COURSE NUMBER: LAW 7835**

**Professor:** Wright

**Credits:** 4

**Skills Credit:** Successful completion of this course will award four (4) credits towards the JD experiential/skills credit requirement.

**Enrollment:** Open only to students who have been selected through the clinic application process.

The Tech Startup Clinic is a semester-long transactional clinic that will provide legal advice and assistance to growing technology ventures. The clinic will assist clients with a variety of legal matters, including entity formation, seed and angel funding, intellectual property issues, commercialization strategies, and operational and employment issues.

Participants will guide startups through various legal issues that growing companies face. Through clinical work, participants will gain hands-on experience working with startups and will draft formation documents, intellectual property assignment and licensing agreements, terms of service, privacy policies, and early stage financing agreements.

The clinic will reinforce hands-on experience with a weekly seminar. During the seminar, the

clinic will teach participants practical lawyering skills such as interviewing and contract drafting conventions.

Beyond clinical and classroom work, the clinic will help participants join and shape the growing New York tech community. Participants will attend and present at tech meetups, engage with potential clients, create online resources for entrepreneurs, and release legal guides on emerging technologies such as 3D printing, the Internet of Things (IoT), and cryptocurrencies.

### **THEORIES OF PUNISHMENT**

**COURSE NUMBER:** LAW 7101

**Professor:** Huigens

**Credits:** 2

**Pre/Corequisite:** None

This seminar considers the philosophy of legal punishment. We will lay a foundation with careful readings of Immanuel Kant, Jeremy Bentham, and H.L.A. Hart. We will then move on to the work of contemporary theorists of punishment, including Antony Duff, George Fletcher, John Gardner, Jean Hampton, and Paul Robinson. Each participant in the seminar will be asked to present a short paper. Grades will be based on this paper and on the student's participation in the discussions.

### **THEORY AND PRACTICE OF NONPROFIT MANAGEMENT (NEW SCHOOL)\*\***

**Professor:** Kohl-Arenas

**Credits:** 2

**Pre/Corequisite:** None

This course provides an introduction to the central theories of nonprofit enterprise, and the implications of various management practices for nonprofit (NPOs) and nongovernmental (NGOs) organizations. Issues that are pertinent for nonprofit managers and leaders faced with changing organizational environments will be discussed. The course will also introduce students to the major aspects of nonprofits and voluntary organizations that distinguish them from public and private organizations i.e. mission/vision; legal definitions/IRS rulings; voluntary governance structures and a social change agenda. Topics covered include the history and scope of the nonprofit sector, variations within the sector, contemporary theories of nonprofit enterprise, growth in the international nonprofit sector, management issues as they pertain to nonprofits, financial management, accountability, human resources management, strategic planning, collaborative partnerships, leadership, advocacy, and the future of the sector.

**\*\* Please note that this class is subject to the limitations on New School courses outlined in the Registration Info Packet. This course meets at the New School and follows the New School Academic Calendar. New School grades will be credited as pass/fail on your Cardozo transcript. A passing grade will be awarded so long as a grade of C or better is received from the New School.**

**TORTS [Required first-year course for JD students; tested on the Bar Exam]****COURSE NUMBER: LAW 6703****Professor:** Yankah, Buccafusco, Sebok, M. Stone, Weisberg**Credits:** 4**Pre/Corequisite:** None

Torts concerns the civil legal remedies for private, non-contractual harms. Under what circumstances must someone who harms another's person or property pay for the harm caused? The course focuses on the goals of the tort system (compensating injured parties, deterring harmful conduct, doing justice between the parties), the different categories of liability (negligence, intentional torts, strict liability), the problem of causation, and defenses. While the course concerns broad principles rather than specific torts, some time may be spent on the particular problems of defamation, medical malpractice, and products liability.

**TRADEMARK LAW****COURSE NUMBER: LAW 7577****Professor:** Wu**Credits:** 3**Pre/Corequisite:** None

This course is a basic introduction to U.S. trademark law, including common law rights and registration of trademarks at the United States Patent and Trademark Office. There will also be some discussion of trademark/domain name disputes on the Internet. Economic and public policy issues involved in trademark law will be discussed throughout the course, particularly when and how trademark law is focused on protecting consumers, when and how it protects producers, and the relationship between trademark law and free expression.

**TRUSTS & ESTATES [TESTED ON THE BAR EXAM]****COURSE NUMBER: LAW 7441****Professor:** Cunningham, Leslie, Sterk, Zelinsky**Credits:** 3**Pre/Corequisite:** None

Laymen generally assume that a decedent's will determines how decedent's property should be distributed at death. That assumption, however, is over-simple. First, most people die without a will. The law of intestate succession determines how property is distributed when decedent leaves no will. Second, clients often draft their wills long before death, and those outdated wills often raise questions at death. For instance, although decedent's will may leave her diamond necklace to her sister, she may have given the necklace to her daughter during her lifetime. Is the sister entitled to anything at death? Or the sister may have died before decedent. What happens to property left to the sister? Third, many people use trusts rather than wills as the primary instrument for transferring wealth to their beneficiaries. Finally, neither wills nor

trusts are effective to pass what is, for many people, their primary asset: money remaining in their retirement accounts at the time of their death.

Trusts and Estates explores all of these issues surrounding the transfer of wealth from a decedent to close family members and other beneficiaries. Every client ultimately faces Trusts and Estates issues, and clients often expect their lawyers to be familiar with them. In addition, Trusts and Estates is tested heavily on the bar.

### **THE TRUTH ABOUT LIES**

**COURSE NUMBER:** LAW 7145

**Professor:** Ladin

**Credits:** 2

**Pre/Corequisite:** None

This course will use filmed and written testimony, literature, guest lecturers, and scientific and philosophical studies to explore unreliable first-person narratives – narratives told by speakers who blur, conceal, falsify, confuse, obfuscate, misunderstand or mistake the truth. Students will learn the types and characteristics of unreliable narratives; how to assess reliability; how to comparatively analyze conflicting narratives; and how to make and support arguments using unreliable narratives as evidence. The materials considered will include films, such as behavioral scientist Dan Ariely's documentary “(Dis)Honesty: the Truth About Lies”; essays on unreliable narratives, such as philosopher Harry Frankfurt's essay, “On Bullshit”; literary examples of unreliable narratives such as Edgar Allan Poe's “The Tell-Tale Heart; and first-person witness testimony. The course will also feature speakers, including from the Innocence Project, who have personal experience of assessing, constructing, deploying, and challenging first-person narratives in legal cases.

Students will learn: the types and characteristics of unreliable first-person narratives; how to assess the reliability of first-person narratives; how to close-read first-person narratives and identify words, metaphors, idioms and other aspects of language that may signify implicit biases or sway subtly sway interpretations; how to comparatively analyze conflicting first-person narratives; and how to make and support arguments using unreliable narratives as evidence. Students will also learn to recognize and reflect on the roles narratives play in legal proceedings, decisions, and opinions, and how unreliability affects those roles.

### **WHISTLEBLOWER STATUTES AND CORPORATE FRAUD**

**COURSE NUMBER:** LAW

**Professor:** Krakower

**Credits:** 2

**Pre/Corequisite:** None

This seminar will examine the explosive growth and impact of whistleblower statutes in the investigation and prosecution of corporate fraud, and on corporate compliance programs. The

course will cover the False Claims Act, the Dodd-Frank S.E.C. whistleblower program, and the I.R.S. tax whistleblower program. Students will examine key provisions of these statutes, topical interpretation issues, and a “real world” understanding of how these programs work (or do not work) from the perspective of whistleblowers, whistleblowers’ counsel, government officials, and corporations. Coursework will include case studies of whistleblower-initiated “qui tam” actions, and active class discussions of the public policy underpinning these statutes.

### **WHITE COLLAR CRIME**

**Professor:** Roth

**Credits:** 3

**Pre/Corequisite:** None

This course will explore the policy justifications of, legal foundations for, and practical issues involved in, the prosecution of white collar crime. The course will include an in-depth discussion of the substantive law and federal statutes commonly used in the prosecution of white collar cases, including mail and wire fraud, securities fraud, money laundering, and statutes related to the obstruction of justice. The course will also introduce the concept of corporate criminal responsibility and the sanctions that may be imposed on corporations. Through the use of primary materials, such as indictments and SEC complaints, the course will provide an overview of the life of a white collar case from initial investigation through sentencing, including an examination of the unique problems that often arise along the way in white collar cases due to parallel civil proceedings. Throughout the course, students will be asked to critically analyze the approaches taken by Congress in writing and prosecutors in enforcing the federal white collar crime laws.

## **WRITING TO WIN**

**COURSE NUMBER: LAW 7846**

**Professor:** Neustadter

**Credits:** 2

**Pre/Corequisite:** None, but some familiarity with evidence and criminal procedure would be helpful.

**Skills Credit:** Successful completion of this course will award three (2) credits towards the JD experiential/skills credit requirement.

**Enrollment:** Open only to 2L and 3L students.

This course delivers intensive hands-on training in written advocacy with emphasis on (i) writing to persuade trial and appellate judges rather than impress academics; (ii) the primary salience of marshalling facts, as opposed to case law, to produce favorable outcomes; (iii) how to identify and cunningly frame briefworthy issues; (iv) issue preservation rules and their exceptions; (iv) harmless error doctrines; and (v) the standards of appellate review.

There is no casebook or treatise. Instead, working exclusively through unedited transcripts of actual trials, the course develops the crafts, skills, and cunning required to produce a first-rate advocate's brief. Students begin with a short brief-writing exercise based upon a rather simple transcript and work their way up to a lengthy and complex murder case for which each student writes a soup-to-nuts brief. All practice work is closely analyzed and line-edited word by word. Though criminal transcripts are used, the skills developed are readily transferrable to the civil arena.

## **WRONGFUL CONVICTIONS**

**COURSE NUMBER: LAW 7117**

**Professors:** Potkin/Newirth, Potkin/Friedman

**Credits:** 2

**Pre- or Co-requisite:** Criminal Procedure

This course explores wrongful convictions in the US criminal justice system. Informed by lessons from DNA exonerations, but not limited to cases where DNA is available, this course explores the doctrinal and empirical bases for wrongful convictions. It considers the factors that contribute to such convictions including eyewitness identification procedures, false confessions, faulty scientific testing, ineffective assistance of counsel, and police and prosecutorial practices and procedures. It considers the doctrinal basis and existing procedures in the legal system to challenge such convictions, including habeas corpus and executive clemency. It explores potential reforms to guard against such convictions and draws upon reforms implemented in other countries.