

# Spring 2021 First Assignments

Course	Instructor	Assignment
Administrative Law	M. Herz	For our first class (Tuesday, 1/19, at 10 am) please read pages 3-17 of the casebook and have a look at the various materials posted to Canvas regarding the Pedestrian Safety Enhancement Act. A full syllabus is on Canvas.
Advanced Legal Research	All Sections	The first assignment is to read the syllabus and do the Class 1 Module readings.
Complex Civil Litigation	S. Weiner	<a href="https://yuad-my.sharepoint.com/:b:/g/personal/josephine_tirado_yu_edu/EUECNJ6Mhd9DjR5_THIaz4MBPUENDaEsM9fbUDagbYMI_Q?e=oRfonN">https://yuad-my.sharepoint.com/:b:/g/personal/josephine_tirado_yu_edu/EUECNJ6Mhd9DjR5_THIaz4MBPUENDaEsM9fbUDagbYMI_Q?e=oRfonN</a>
Con Law I	D. Rudenstine	<a href="https://yuad-my.sharepoint.com/:w:/g/personal/josephine_tirado_yu_edu/EUpK9N9v1v1Mn_T64dSXww0BnAp7rC5MqvybTDKn0JcrZQ?e=vJZ5Ym">https://yuad-my.sharepoint.com/:w:/g/personal/josephine_tirado_yu_edu/EUpK9N9v1v1Mn_T64dSXww0BnAp7rC5MqvybTDKn0JcrZQ?e=vJZ5Ym</a>
Con Law I	D. Pearlstein	<p>January 19, 21 – Introduction: On Reading the Constitution and the Cases</p> <p>This session offers an overview of the course, and introduces students to basic principles and debates in constitutional interpretation.</p> <p>The Constitution of the United States, SS Casebook pp. xli-xlvii.            SS Casebook pp. 56-69.            Supplemental Reading: Introductory Materials 2021, available on Canvas on Friday, January 15</p>
Con Law I	M. Adams	<p>The required text is Feldman and Sullivan, Constitutional Law (20th ed. 2019).</p> <p>1. The Power of Judicial Review            Marbury v. Madison            Text 1-16</p>
Con Law II	M. Adams	<p>The required text is Feldman and Sullivan, Constitutional Law (20th ed. 2019).</p> <p>1. Individual Rights Before the Civil War; Post-Civil War Amendments            Dred Scott v. Sandford            Text 443-444 (through third full paragraph); 445-451 (through first full paragraph)</p>
Corporations	M. Wansley	Read Chapter 11 of the casebook, Options and Firm Offers.
Corporations	M. Burstein	<a href="https://yuad-my.sharepoint.com/:b:/g/personal/josephine_tirado_yu_edu/EZL7tKSEVshGk2XppqMGJIQB045_fZ8RzoYc7bLSeVBZ3Q?e=ugg50o">https://yuad-my.sharepoint.com/:b:/g/personal/josephine_tirado_yu_edu/EZL7tKSEVshGk2XppqMGJIQB045_fZ8RzoYc7bLSeVBZ3Q?e=ugg50o</a>

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Criminal Law	K. Huigens	Assignment #1 – Slides posted to Canvas - Introduction to the class  Assignment #2 – 157-163, 176-185 – The principles of legality
Employment Discrimination	D. Weisenfeld	Class #1: Wednesday, January 20  Course Introduction & Policy Considerations  Employment Discrimination Law Before the Modern Era  Reading: Friedman, Part I, pp. 1 – 16 (Kerr, Railway Mail Assn.)  Hodges v. U.S., 203 U.S. 1 (1906) (not in text)
Evidence	E. Stein	<a href="https://yuad-my.sharepoint.com/:b:/g/personal/josephine_tirado_yu_edu/EermjFBPKB5Jmhbst_haW-cBbsY-Ll_icSbUKO_2F0VOgA?e=Knh5Y2">https://yuad-my.sharepoint.com/:b:/g/personal/josephine_tirado_yu_edu/EermjFBPKB5Jmhbst_haW-cBbsY-Ll_icSbUKO_2F0VOgA?e=Knh5Y2</a>
Evidence	N. Okidegbe	<a href="https://yuad-my.sharepoint.com/:b:/g/personal/josephine_tirado_yu_edu/EUBUOysyLkBlN7MNCqtuo8BdEFpomceVuoFi1Njv_WH2IA?e=gwYmt3">https://yuad-my.sharepoint.com/:b:/g/personal/josephine_tirado_yu_edu/EUBUOysyLkBlN7MNCqtuo8BdEFpomceVuoFi1Njv_WH2IA?e=gwYmt3</a>
Family Law	S. Stone	<a href="https://yuad-my.sharepoint.com/:w:/g/personal/josephine_tirado_yu_edu/EckF6DjN1IVHv-KYW_nFvE0Blz_giXNGFfEZ7ouCil4F7A?e=vuMBge">https://yuad-my.sharepoint.com/:w:/g/personal/josephine_tirado_yu_edu/EckF6DjN1IVHv-KYW_nFvE0Blz_giXNGFfEZ7ouCil4F7A?e=vuMBge</a>
Federal Income Tax (January 20th)	E. Zelinsky	For our first class on Wednesday, January 20th, please read the first units and the first two segments of the second unit  1) text 63-69  Code Section 61, Treasury Regulation Section 1.61-14  2) text 318-320, 125-130  Please be prepared to discuss the three case in this material: Glenshaw Glass, Cesarini and Gilbert. Please also read carefully Code Section 61, the Treasury Regulation (quoted in Cesarini) and  the text’s discussions of loans at pp. 318-320.

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Human Rights and Atrocity Prevention	J. Getgen	<p>Week 1: January 21, 2021 Hour 1: Human Rights and Atrocity Prevention Agenda: 2021 and Beyond Reading:</p> <p>Beth Van Schaack, Atrocities Prevention and Response: A Good Governance Blueprint (2020), available at <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3751095">https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3751095</a>. Assignment:</p> <p>Please reflect on the Beth Van Schaack reading in a 500-750 word response memo and hand to Ramya and Jocelyn via email with a cc to Ali by 12pm on Wednesday, January 20, 2021 (Please note this is inauguration day!).</p> <p>Please come to class prepared to discuss the following question:</p> <p>What is one human rights and/or atrocity prevention commitment you would want to see accomplished in the first 100 days of the Biden-Harris administration?</p>
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<p>Indigenous Rights in the Americas</p>	<p>J. Getgen</p>	<p>Week 2: January 25, 2021</p> <p>Hour 1: Opening Ceremony, Introduction to the Seminar and Course Requirements We will begin class by recognizing that the Benjamin N. Cardozo School of Law is situated in Lenapehoking, Lenape traditional lands. The Lenape leadership will join us at the start of class to provide us with a traditional opening ceremony to begin as native peoples of the area would begin any ceremony or other undertaking.</p> <p>Hour 2: Introduction to Institutions and Sources of Law related to the Protection of Indigenous Peoples' Human Rights</p> <p>Next, we will learn about the general sources of international law—mainly treaty law, customary international law, general principles of law, and political commitments, or “soft law”—to orient us to the world in which the international protection of indigenous rights in the Americas generally operates. We will also go over the main international institutions within the United Nations and the Inter-American System that are tasked with the protection and promotion of human rights of indigenous peoples.</p> <p>Readings:</p> <p>S. James Anaya, <i>International Human Rights and Indigenous Peoples</i> 17–27 (2009). <i>International Human Rights in a Nutshell, The Inter-American Human Rights System</i> (2017) (skim chapter), available at <a href="https://bit.ly/2ITL00Z">https://bit.ly/2ITL00Z</a>.</p>
<p>International Business Transactions</p>	<p>R. Ingber</p>	<p>Casebook: Vagts, Dodge, Buxbaum &amp; Koh, <i>Transnational Business Problems</i> (6th ed. 2019)</p> <p>Class 1:</p> <p>Transnational Lawyering: The Lawyer’s Role Assignment: pp. 3-10; Transnational Lawyering: Ethical Rules Assignment: pp. 10-17</p>

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International Criminal Law	G. Rona	<p>Chapter 1 and Chapter 2 – up to page 74, Note 14 titled “Universal Jurisdiction in Spain”</p> <p>Chapter 1 introduces some of the larger themes that we will be exploring, raising questions not only about international criminal law, but criminal law in general. While we will briefly discuss the issues raised in Chapter 1, we will focus on Chapter 2 and the creation of the institutions that administer international criminal law. We will also discuss the application of international criminal law by domestic courts, focusing on universal jurisdiction.</p> <p>Discussion questions for the first meeting:</p> <p>What is the difference between restorative justice and retributive justice?</p> <p>Which do you prefer and why?</p> <p>Are truth commissions and similar mechanisms legitimate approaches to mass atrocities, or are they mechanisms for providing lesser accountability for the wrongs of powerful people?</p> <p>When can a state assert jurisdiction over a crime?</p> <p>How do we justify asserting jurisdiction over crimes that occur outside of the territory of a state?</p> <p>Are those justifications compelling?</p> <p>What is the definition of universal jurisdiction?</p> <p>Do states have a right to assert universal jurisdiction as a matter of customary international law?</p> <p>A duty?</p> <p>What crimes are, or should be, subject to universal jurisdiction?</p>
<b>Intro to Restorative Justice Skills and Practices</b>	L. Love	<p>Thursday, January 21, 4-5:54pm, Intro to Restorative Justice Skills and Practices—listening without judgment, mediation and circle keeping</p> <p>Reading prior to first class:</p> <ul style="list-style-type: none"> <li>· from Stories Mediators Tell, Love and Galton, eds., A Meeting of Strangers by Eric Galton (on Canvas)</li> <li>· The Little Book of Circle Processes, Kay Pranis (order from Amazon)</li> </ul>
Jewish Law and Justice	S. Stone	<p><a href="https://yuad-my.sharepoint.com/:w/g/personal/josephine_tirado_yu_edu/EXyINJp9tFhPqJB2u-O4wG0BOJP9zZ_5rv5ICJbz5wAyPg?e=Y0B3Jl">https://yuad-my.sharepoint.com/:w/g/personal/josephine_tirado_yu_edu/EXyINJp9tFhPqJB2u-O4wG0BOJP9zZ_5rv5ICJbz5wAyPg?e=Y0B3Jl</a></p>

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Labor Law	D.Weisenfeld	<p>Class #1: Wednesday, January 20</p> <p>Course introduction</p> <p>The Evolution of Labor Law (a march through history)</p> <p>Reading: GFG Introduction (pp. 1 – 3)</p> <p>GFG Part One (I) (pp. 5 – 56)</p> <p>(Note: this is background material intended to be read quickly; you are not responsible for the specific cases. The key section for discussion going forward relates to the NLRA, and especially Section 7, at pp. 43 – 48.)</p>
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Law and War Seminar	R. Ingber	<p>Class 1 war Lawyering</p> <p>Background reading:</p> <p>Rick Pildes, Law and the President, 125 Harv. L. Rev. 1381 (2012) (reviewing The Executive Unbound: After the Madisonian Republic, by Eric A. Posner and Adrian Vermeule), at <a href="https://harvardlawreview.org/2012/04/law-and-the-president/">https://harvardlawreview.org/2012/04/law-and-the-president/</a>, skim to get a sense of the debates.</p> <p>Oona Hathaway, National Security Lawyering in the Post-War Era: Can Law Constrain Power?, at <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3530588">https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3530588</a>, at pp 17-37</p> <p>Jack Goldsmith, Reflections on Government Lawyering, 205 Mil. L. Rev. 192, available here: <a href="loc.gov/law/mlr/Military_Law_Review/205-fall-2010.pdf">loc.gov/law/mlr/Military_Law_Review/205-fall-2010.pdf</a></p> <p>Rebecca Ingber, Interpretation Catalysts and Executive Branch Legal Decisionmaking, at <a href="http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2201199">http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2201199</a>, pages 360-372</p> <p>Law in Practice:</p> <p>Charlie Savage, Secret U.S. Memo Made Legal Case to Kill a Citizen, NYT Oct. 8, 2011, <a href="http://www.nytimes.com/2011/10/09/world/middleeast/secret-us-memo-made-legal-case-to-kill-a-citizen.html">http://www.nytimes.com/2011/10/09/world/middleeast/secret-us-memo-made-legal-case-to-kill-a-citizen.html</a></p> <p>Note:</p>
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Presidential Democracy	D. Pearlstein	<p>Welcome to Presidential Democracy. Students are encouraged to purchase a copy of Levitsky &amp; Ziblatt, <i>How Democracies Die</i> (2018), an inexpensive, engaging book to which we are likely to refer more than once this semester. The first week's readings appear below. For the first class, please read the read Levitsky &amp; Ziblatt the Introduction, pp. 20-24, and ch. 4.</p> <p>January 19, 21, 22 – Introduction The course begins by locating current challenges to democratic structures in the United States in global context. These classes identify common pathways by which democratic societies have succumbed to authoritarianism. They also begin to chart the range of available constitutional and non-constitutional constraints designed to protect against such threats in the United States.</p> <p>Levitsky &amp; Ziblatt, <i>How Democracies Die</i> (2018) (read the Introduction, pp. 20-24, and ch. 4).</p> <p>Michael J. Klarman, Foreword – The Degradation of American Democracy and the Court, 134 <i>Harv. L. Rev.</i> 1, 19-45 (2020), available <a href="https://harvardlawreview.org/wp-content/uploads/2020/11/134-Harv.-L.-Rev.-1.pdf">https://harvardlawreview.org/wp-content/uploads/2020/11/134-Harv.-L.-Rev.-1.pdf</a></p>
Property	S. Sterk	For the first class, please read <i>Johnson v. M'Intosh</i> , the first case in the casebook (Dukeminier, Krier, Alexander, Schill & Strahilevitz, <i>Property</i> (9th Edition)) Also, please read the Course Objective and Schedule of Assignments posted on Canvas.
Property BF	M. Herz	Four our first class (Wednesday, 1/20, at 9:00 am), please read pages 3-10, 15-16 (n. 4), and 19-23 in the casebook. The full syllabus is available on Canvas.
Real Estate Reporter	S. Sterk	Please read and follow the Course Instructions posted on Canvas.



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State and Local Taxation (January 19th)	E. Zelinsky	<p>For our first class on Tuesday, January 19th, please read the first two units:</p> <p>1) text pp. 1-21</p> <p>2) text pp. 257-287, 897-899</p> <p>supplemental: Allegheny Pittsburgh Coal v. County Commission, 488 U.S. 336 (1989)</p> <p>The first unit (pp. 1-21) provides general background for the course.</p> <p>Please concentrate upon and be prepared to discuss the three cases in the second unit, i.e., <i>Armour v. City of Indianapolis</i>, (including the dissent) and <i>Nordlinger v. Hahn</i> (including the dissent) and <i>Allegheny Pittsburgh Coal v. County Commission</i>.</p>
Taxation and Partnerships	L. Cunningham	<p><a href="https://yuad-my.sharepoint.com/:w:/g/personal/josephine_tirado_yu_edu/ESWUBK0vBG5PkWtkEQKvFdABo3LygG1jeH3WASbnj_rkNw?e=PIOf9o">https://yuad-my.sharepoint.com/:w:/g/personal/josephine_tirado_yu_edu/ESWUBK0vBG5PkWtkEQKvFdABo3LygG1jeH3WASbnj_rkNw?e=PIOf9o</a></p>
Trust and Estates	L. Cunningham	<p><a href="https://yuad-my.sharepoint.com/:w:/g/personal/josephine_tirado_yu_edu/EQWhaij0ivVAuRf9u82xA0UBjpO5S71VtpnhmZBh9eIYeQ?e=lwDvWf">https://yuad-my.sharepoint.com/:w:/g/personal/josephine_tirado_yu_edu/EQWhaij0ivVAuRf9u82xA0UBjpO5S71VtpnhmZBh9eIYeQ?e=lwDvWf</a></p>
Trust and Estates	S. Sterk	<p>For the first class, please read pages 1-22 in the casebook, Sterk &amp; Leslie, <i>Estates and Trusts</i> (6th edition).</p>