

Cardozo School of Law
Spring 2022
Special Topics Course Descriptions

ANTITRUST AND CLASS ACTION LITIGATION

Pre/Corequisite: None. For students who have not taken the course in Antitrust Law, there will be background discussions and materials on the substantive antitrust law.

This course will proceed through the various stages of civil antitrust litigation, focusing primarily on price-fixing and “pay-for-delay” (agreements to delay the entry of generic substitutes) class action litigation, and merger litigation. Using the prism of antitrust class actions, the course will also look more generally at the processes of class action litigation in federal court more generally. The course will look at various factual scenarios that can give rise to private antitrust claims and what it takes to plead and prove, and defend against, those claims. The course will examine strategies of both plaintiffs’ and defendants’ lawyer. The course materials will extensively use court filings, and expose the students to many tools of complex litigation.

ANTITRUST, IP and the HIGH-TECH ECONOMY

Pre/Corequisite: None

This course will address the application of antitrust law and competition policy in the high-tech economy. It will focus in large part on the intersection between antitrust law and intellectual property rights. We will study how antitrust applies to patent pools, standard-setting, standard-essential patents, and patent settlements. The course will also focus on the antitrust challenges the platform economy poses. These include how to apply antitrust principles in zero-price and two-sided markets, how to analyze acquisitions of nascent competitors, and the impact of network effects in platform antitrust analysis. In this same vein, we will analyze ongoing litigation against Facebook, Apple, and Google. Course materials will include cases, academic articles, and draft legislation. With guidance from the instructor, students will prepare a research paper on a topic of their choice.

CAPITAL MARKETS REGULATION: FROM BUTTONWOOD to BITCOIN

Pre/Corequisite: None, recommended classes: Corporations, Securities Law.

This course aims to provide a practical understanding of the regulatory framework that governs the capital markets of the United States -- that is, capital market structure and the regulation of trading. This course will focus on regulatory policy with respect to the capital markets, with an emphasis on current “hot topic” issues. By the end of the course, students will understand the regulatory framework of the domestic capital markets and the key rules and practices that govern the industry. Relationships among the market centers, SROs, and the SEC will be discussed in the context of current regulatory, enforcement, and compliance issues. Emerging paradigms, including digitization, tokenization, and cryptocurrencies, will be explored.

ENVIRONMENTAL JUSTICE

Pre/Corequisite: None

Environmental justice seeks to remedy and prevent environmental harms by ensuring the equitable treatment and meaningful participation of historically impacted communities. The movement is deeply rooted in civil rights, human rights, and environmental law. In this course, we will explore the legal framework that advances environmental justice on the local, state, and federal levels. Students will take a hands-on approach to environmental justice and will learn to develop some of the advocacy tools that practitioners use for the communities that they serve.

INTERNATIONAL DATA PROTECTION

Pre/Corequisite: None

This course covers privacy and data protection laws from multiple jurisdictions around the world, with a particular emphasis on Europe and the General Data Protection Regulation (GDPR). Students will learn when activities in one country potentially trigger the laws of another country, and what steps companies need to take to comply with GDPR and other global data protection laws.

REAL ESTATE WORKOUTS

Pre/Corequisite: Basic Property Course, some knowledge of a related area, e.g., accounting, finance, securities law, or bankruptcy law.

This course integrates real estate law, commercial law (UCC) and bankruptcy law in the context of commercial real estate. We examine properties in default on their loan obligations and how lenders and investors deal with the consequences. Students will learn about the structure of the US financial services industry and how different debt and equity players deal with real estate problems. Course format includes lectures and workshops where students will assume roles as: owners, lenders, government regulators, and distressed debt opportunity funds.

We will also cover legislative efforts during COVID to deal with foreclosure forbearance including the CARES Act. The sequence of the course is subject to change to allow us to include any new legislation Congress may enact during the semester.

TECH TRANSACTIONS

Pre/Corequisite: None

Technology Transactions is a two-credit skills-based course that teaches students advanced drafting, negotiating, and counseling skills. These skills apply to any transactional law practice, but assignments and lessons will focus on technology transactions, intellectual property, and commercial legal concepts through the representation of a hypothetical start-up client whose business will grow in tandem with students' skills throughout the semester. Students will also hone skills related to effective client representation, including how to manage clients' expectations around billing and turnaround times and work through issues related to ethical obligations. Prior to each class session, students will receive an email from their "client" with information that will form the basis of that week's discussion. The course will meet once per week for two credit hours. In lieu of a final exam, students are expected to complete occasional written work and participate in oral, mock client counseling sessions throughout the semester.