

Special Topics Course Descriptions

Fall 2024

Abolish the Criminal Legal System? A Colloquium.

Pre/Corequisite: See Course List

Recommended Class(es): None

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

Cannabis Law

Pre/Corequisite: See Course List

Recommended Class(es): None

This course will explore the unique legal issues facing the burgeoning legal cannabis market throughout the United States. Cannabis – which remains illegal federally but is currently legal in 37 states and Washington D.C. – presents interesting questions of federalism, constitutional law, administrative law and other disciplines. At the same time, the legal cannabis industry is seeking to promote equitable policies that promote social justice and criminal reform for those individuals and families that were adversely affected by the failed War on Drugs. As such, practitioners are often required to navigate complex legal and regulatory regimes while their clients have limited access to banking and capital resources. The course will review current caselaw, regulatory frameworks, policy and ethical considerations with an emphasis on their implications to businesses and entrepreneurs in the legal cannabis space. Students will participate in mock negotiations, lobbying exercises and will have an opportunity to contribute and/or participate in real-time discussions concerning New York's own efforts to legalize the recreational use of cannabis.

Contemporary Legal Problems

Pre/Corequisite: See Course List

Recommended Class(es): None

This seminar will examine some major contemporary issues that lie at the intersection of law, politics and moral philosophy. Topics include sexual orientation, free speech and expressive harms, the criminalization of drugs, racism and implicit bias, immigration policy, abortion, AI and emerging technology, gun rights and gun control, terrorism, and climate change. The seminar will be oriented to discussion, with active participation by everyone. The emphasis will be on exploring, through mainly contemporary essay readings, the broad ethical and policy frameworks in which these issues can be debated and responded to in law. There will be a final take-home exam, but members of the seminar may also opt to satisfy the school's writing requirement by developing a topic involving recent legal cases in one of the foregoing areas. Open to both J.D.'s and LLM's, a desire to read, discuss and be intellectually challenged is the basic pre-requisite for the seminar.

Corporate Counsel

Pre/Corequisite: See Course List

Recommended Class(es): Administrative Law, Evidence

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

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

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

Pre/Corequisite: See Course List

Recommended Class(es): None

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

Dispute System Designs

Pre/Corequisite: See Course List

Recommended Class(es): None

This course focuses on the study and practice of dispute systems design - understanding the structure and design choices made by, and the challenges presented to organizations. This includes examination of court processes and other government or private systems for managing conflict. Dispute systems designers also develop and improve upon mediation and other alternative dispute resolution (ADR) service programs, as well as provide assessments of their appropriateness in various contexts. The knowledge and skills developed in this course are transferable to the emerging needs of practicing attorneys who are more and more frequently called upon as systems designers. Many lawyers, even if they never take the design initiative to lead a project, often serve as stakeholders and representatives of bar or professional associations recruited by systems designers to participate in the design process. This course also enhances the basic mediation and conflict management skills learned in other ADR related courses by application to the dispute system design framework.

Students will be expected to read, write, discuss, critique and participate in simulated exercises. After an overview of dispute systems design theory and principles, students will, through readings, discussions and exercises, study seven actual systems that reflect dispute systems design principles. Then through a

series of additional hands-on role plays and simulations, students will have the opportunity to develop systems design skills and work on a mock consulting team during class. Simulations will lead students through the various stages or architecture of systems design, from taking design initiative through assessment, creating processes and systems and implementation. This course also focuses on advanced mediation and dispute systems design topics, including recent developments in neuroscience and their potential impact on dispute resolution, choice architecture and “nudge” principles, the impact of mediator orientations on program design, restorative justice practices, and transformative mediation. The practical and ethical implications of systems design work will also be explored, as well as opportunities for synthesis of systems design skills into legal practice.

Divorce Process

Pre/Corequisite: See Course List

Recommended Class(es): Family Law

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

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

Law of Settlement

Pre/Corequisite: See Course List

Recommended Class(es): None

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

Religious Freedom and Gender Equality

Pre/Corequisite: See Course List

Recommended Class(es): None

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

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

Finally, students will study and practice in simulations how various actors (international organizations, national governments and courts, human rights organizations, and religious freedom defenders) can help overcome politicization and contribute to advancing religious freedom and gender equality in a non-competitive and mutually reinforcing manner.

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

Taxation of Business Entities

Pre/Corequisite: See Course List

Recommended Class(es): None

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