

## Special Topics Course Descriptions Spring 2025

### **Antisemitism and the Law**

**Pre/Corequisite:** None

**Recommended Class(es):** None

This interdisciplinary seminar will explore American antisemitism and the law's responses and nonresponses to it. How is the Jew perceived by antidiscrimination law and what does it consider "anti-Jewish" and why? The seminar will approach these questions through the interdisciplinary lens of history, doctrine, and theory.

### **Artificial Intelligence (AI) Transactions**

**Pre/Corequisite:** None

**Recommended Class(es):** None

Artificial intelligence (AI) is transforming established industries, and it is projected to have a major disruptive impact and create new business opportunities for years to come. At the same time, the legal risks arising from AI technologies, and the market practices for transacting around them, are still evolving. This course will cover key issues and considerations that arise in AI transactions. Building on a foundation of technology transactions, this course will introduce the new issues presented by AI, in particular generative AI, and discuss ways of allocating risk and reaching agreement in these types of deals. The final assignment will be practice-oriented, reflecting the typical work product of a tech transactions associate.

Learning objectives for the course include the following:

- Develop an understanding of AI transactions and the key risks and value drivers in these deals;
- Learn the types of IP rights that protect AI assets and the ways in which these IP rights can be licensed and acquired;
- Identify unique features of generative AI and the risks and opportunities posed by these technologies; and
- Gain real-world skills useful for young lawyers working on AI-focused transactions.

### **Crimmigration & Race: Intersection of Criminal Law, Immigration Law & Race**

**Pre/Corequisite:** None

**Recommended Class(es):** Immigration Law

This course explores the unique historical and contemporary interplay between the nation's criminal legal system, deportation apparatus, and race. Students will investigate how structural racism has impacted law and policy regarding who is allowed to enter and remain in the United States, as well as how the War on Drugs, the War on Terror, and the growth of the carceral state have expanded beyond our criminal legal system and into the nation's immigration enforcement regime. In addition, students will explore the core constitutional doctrine that do, and do not, constrain immigration enforcement policy. Finally, students in this course will learn the doctrinal mechanics of how to evaluate the immigration consequences of criminal convictions in the context of both criminal and immigration proceedings.

### **Critical Perspectives on Procedure**

**Pre/Corequisite:** None

**Recommended Class(es):** None

Many of our most famous—and infamous—cases implicate procedural rights. Because procedural rules regulate access to justice, procedure is a central pressure point in the struggle to eradicate structural inequality and oppression through the courts. This course will focus on aspects of civil procedure that implicate structural inequality for marginalized communities, especially those defined by factors such as race, sex, gender, disability, ethnicity, national origin, immigration status, sexual orientation, wealth, and religion. While we will closely examine areas of civil procedure that are covered in the 1L course -- such as pleading, discovery, summary judgment – our goal will be to explore how ostensibly neutral rules and doctrines might operate differently for litigants from particular communities.

### **Democracy and the First Amendment**

**Pre/Corequisite:** None

**Recommended Class(es):** None

The course will study the tension between Democracy and the First Amendment from the end of World War I to today as illuminated by Supreme Court opinions. The focus of study will be on the major SCOTUS decisions immediately following the end of World War I, the 1930s, the Cold War period of the 1950s, the Civil Rights era of the 1960s, The Vietnam War upheaval, the war in Iraq, and the Trump years. Students will read full SCOTUS opinions.

### **Design Patent Law**

**Pre/Corequisite:** None

**Recommended Class(es):** None

This course provides a comprehensive introduction to design patents, exploring both the legal theory of design patent law and the prosecution (i.e., obtainment) of design patents themselves. After an introduction that examines the statutory authority for design patents and introduces the student to the basic structure and format of design patents, and the interplay between design patents and utility patents and trade dress, the course will dive into the fundamentals of design patent law, exploring infringement, validity and damages. The course will then provide some practical tips for use in design patent prosecution and will touch on the registration/patenting of designs in foreign jurisdictions including through the use of the Hague System for international design protection. The course will wrap-up with some practical exercises relating to drafting design patents and discussion on the mechanics and issues related to product clearance. No technical background is required.

There will be one final exam with a focus on design patent law fundamentals and one take-home project focusing on design patent prosecution.

### **First Amendment: Religion Clauses**

**Pre/Corequisite:** None

**Recommended Class(es):** Constitutional Law II

This course offers an introduction to the Religion Clauses of the First Amendment. It covers the major doctrines and decisions interpreting these clauses, starting with cases from the 1800s, with an eye towards how and why the jurisprudence has evolved so much over time.

## **Gender and the Law**

**Pre/Corequisite:** None

**Recommended Class(es):** None

This course's aims are: to make students familiar with feminist and queer theories and critiques of liberalism and liberal legal systems to the extent that they incorporate biases relating to gender and sexual orientation; to show them how seemingly neutral legal norms are shaped by particular conceptualizations of gender, sexuality and sexual orientation; to introduce them to the debate concerning the partnership of feminism and multiculturalism and prompt them to reflect on what constitutes gender (in)equality in a culturally diverse world; to make them familiar with the ways in which the law has contended with sexual difference, sexual orientation, gender-based stereotypes and the meaning of sexuality in domestic, transnational and international contexts.

The course will tackle cutting-edge issues about gender, law and policy, including: gender and political representation, gender and cultural diversity, the constitution of the family, reproductive rights, domestic violence, gender violence in armed conflicts, sex work and pornography, sexual orientation, and intersections of gender with race, ethnicity, class, and sexual orientation.

## **Heyman Business Law Colloquium**

**Pre/Corequisite:** Corporations

**Recommended Class(es):** None

The Heyman Colloquium is a seminar on recent academic research in business law. We will invite six business law scholars from around the country to present works-in-progress. These papers will cover a range of topics in corporate law, securities regulation, financial regulation, and related fields. We will devote two weeks to each speaker's paper. In the first week, we will read and discuss background material relevant to each paper. In the second week, we will read the speaker's paper, and the speaker will present to the class and take questions.

Grades will be based on class participation and a research paper not to exceed 15 pages.

## **International Human Rights Law, Race and Citizenship: Examining Justice and Identity in a Global Context**

**Pre/Corequisite:** None

**Recommended Class(es):** International Law or International Human Rights

This course examines the relationship between governments as duty bearers of international legal obligations, the socio-legal construct of citizenship, and the implications for groups that lack equal citizenship rights—a status that remains essential for the full enjoyment of many human rights. Historically, citizenship has been structured as an inherently exclusionary system aimed at maintaining social order by defining who is granted the right to participate in the national collective. While citizenship presumes neutrality and the rectification of disenfranchisement, systemic oppression has continually disrupted these ideals, (re)shaping the relationship between citizenship and racial equality.

Historical events such as the Holocaust serve as a grim example of how the stripping of citizenship rights through state-sanctioned exclusion can lead to genocide. Similarly, mass migration from conflict zones reveals the challenges displaced individuals face in securing recognition and rights in new states. Indigenous communities are actively seeking recognition and sovereignty that transcend conventional citizenship frameworks to assert their right to self-determination within their own territories. Furthermore, the legacies of colonialism have

embedded racial hierarchies that continue to shape access to citizenship today, where the rights conferred by citizenship are often influenced by persistent racialized barriers

In this course, students will explore historical and contemporary issues, analyzing the intersection of race and ethnicity with legal and social understandings of citizenship. Classes will provide scholarship and facilitate discussions on topics such as dignity, decolonization, extremism, xenophobia, gender, the right to self-determination, nationalism, and exclusion. Drawing on principles of international human rights law, the course will also examine justice mechanisms for addressing identity-based discrimination, revealing how legal strategies can challenge the gradations of citizenship that privilege certain groups while systematically disenfranchising others.

### **International Investment Arbitration**

**Pre/Corequisite:** None

**Recommended Class(es):** None

Cross-border investments have become a critical aspect of the global business landscape and economic development. Historically, disputes between foreign investors and host States remained unresolved or were otherwise resolved through national courts or coercive means. However, in the mid-20th century, international investment protection emerged to provide a neutral forum to solve investor-State disputes in the form of international investment arbitration.

This course on investment arbitration delves into the substantive protections afforded by bilateral and multilateral agreements to foreign investors, the jurisdictional requirements for those investors to access such protections, and how jurisdictional requirements and substantive protections have been addressed by tribunals in an increasing amount of investor-State cases throughout the past two decades. The course also offers a comprehensive overview into the challenges that the system is currently confronting, as well as reforms to the investor-State arbitration system that are already underway or contemplated for the future. By combining both theoretical and practical elements, this course will equip future lawyers with the knowledge and skills necessary to deal with investment protection issues, either in international corporate transactions or disputes.

This course will count towards the Certificate in Dispute Resolution offered by the Kukin Program for Conflict Resolution.

### **Mergers and Acquisitions for the Aspiring Corporate Lawyer**

**Pre/Corequisite:** Corporations

**Recommended Class(es):** None

This seminar course will explore the nuts and bolts of an M&A transaction, including how to spot issues, apply facts and read, revise, and negotiate a real M&A document.

This course will focus on walking through an M&A transaction using a sample transaction fact pattern to help bring the material to life. We will start with types of merger transactions and cover the various parts of a merger transaction and how they fit together. Students will be asked to consider how the counsel for buyer and seller would approach the various parts of the transaction. Students will also be asked to participate in role play negotiations and client counseling. This course will focus on the M&A lawyer's role and will not go into detail around specialty practices involved in a merger transaction, such as employment, intellectual property, tax, environmental law, and others.

**Pre-trial Criminal Procedure****Pre/Corequisite:** None**Recommended Class(es):** Criminal Law, Criminal Procedure, Evidence

This introductory course, a study of the principal elements relating to effective pre-trial criminal practice, will explore the practical aspects of New York State's criminal laws and procedure. The course will explore criminal and supreme court arraignments, accusatory instruments, bail and recognizance, grand jury practice, discovery, search warrants, timeliness of prosecution, plea bargaining, suppression motions, and pre-trial evidentiary issues. The course will familiarize students with pre-trial practices and processes and provide insight into pragmatic strategies for defending clients and prosecuting cases. Course participants will obtain enormous courtroom confidence and knowledge while significantly sharpening advocacy skills. Federal and State decisional law, applicable statutes and relevant scholarly articles will bolster classroom work.

**Transgender and Reproductive Justice****Pre/Corequisite:** None**Recommended Class(es):** Constitutional Law II

This course will examine the legal concepts of bodily privacy and autonomy as they relate to reproductive and transgender justice. The course will explore the ways in which the right to privacy developed as a tool for gender justice, as well as its gaps and failings. We will cover foundational cases on the right to privacy, including the right to contraception, abortion, and consensual sexual activity, as well as explore more recent developments in transgender rights litigation. The course will draw upon the work of scholars of critical race theory, feminist theory, and trans justice, with a focus on the ways in which reproduction and bodily autonomy are still controlled by the state along racial, economic, and gender lines.