Cardozo School of Law
Upper-Level Course Descriptions

These are the course descriptions for all the upper-level 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.

Academic Freedom Seminar
Professor: Fish
Credits: 2
Pre/Corequisite: None

Academic Freedom is a term often invoked but little understood. Questions as to its scope, its legal and constitutional status, and the identity of its recipients continue to be vexed. In this course we shall read key cases in which issues of academic freedom are thought to be at stake and we shall explore the various perspectives that have been offered by scholars in the field.

Access to Justice Clinic
Professors: Udell/Abel
Credits: 4 (3 clinical, 1 academic) Enrollment is limited to students selected during the previous spring clinic application process.
Pre/Co-requisite: None.
Open to JD and LLM students.

The Access to Justice Clinic offers students the opportunity to engage in public policy reform initiatives aimed at increasing the ability of low-income people to obtain access to our nation’s courts. Students will work to identify and overcome barriers to justice such as the lack of affordable legal representation for the poor and middle class, language and financial obstacles, and racial disparities. At the same time, clinic students will gain comprehensive knowledge of the access to justice movement and of the skills involved in achieving reform of laws and policies.

The professors teaching this clinic together run the National Center for Access to Justice at Cardozo Law School (www.ncforaj.org), the only academically affiliated non-partisan law and policy organization dedicated exclusively to achieving reform on behalf of vulnerable people in the civil and criminal justice systems.

Clinic students will participate in two of the Center’s current projects: i) building the Justice
Index (an online database enabling the public to compare features of their local justice systems with those in other states), and ii) strengthening the provision of law student pro bono to increase access to justice. Learning through experience, clinic students will examine pressing problems in our justice system, gain an understanding of the solutions, take on substantial responsibility for advancing the Center’s justice system reform projects, and acquire and practice the skills used by lawyers to reform laws and public policies.

In the seminar component of the clinic, the students will learn about the laws and policies that are the backdrop for their clinic projects. The students will examine foundational questions, such as constitutional and statutory limitations on the authority of the legislature, executive agencies and courts to deal with problems in the justice system. They will learn about substantive legal issues related to the constitutional and statutory laws that require the provision of access to the courts for people in specific contexts (for example, people with disabilities). Finally, they will learn skills needed to work on the clinic projects, such as how to draft legislation and how to participate in rulemaking by agencies and courts.

**Administrative Law**  
Professor: Bierschbach, Herz, Araiza, Bell  
Credits: 3  
Pre/Corequisite: None

The Constitution, like junior high school civics classes, 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 directly 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 scope of executive and congressional oversight of agency activity, the procedural and substantive constraints on agency rulemaking and adjudication, and the scope and availability of judicial review of agency action. As time permits, we will also devote some attention to the justifications for and tools of government regulation.

**ADR in the Workplace**  
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

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
Professor: Love
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. This course requires permission of the instructor. Please contact Professor Love (love@yu.edu) no later than November 13th if you want 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 Evidence: Scientific Evidence
Professor: Tillers
Credits: 2
Prerequisite: Evidence

The seminar considers expert and scientific evidence in trials. The seminar focuses on particular types of expert and scientific evidence such as fingerprint evidence, experimental studies of eyewitness identification, syndrome evidence, and "lie detectors" of various kinds. There is some discussion of systemic features of American civil and criminal litigation that affect the quality of expert and scientific evidence in American trials. Some attention is also devoted to the general legal rules that govern the admissibility of expert and scientific evidence. But the focus of the
seminar is on the strengths and weaknesses of particular types of expert and scientific evidence.

Class time is devoted almost entirely to discussion rather than to lectures. Each member of the seminar makes two or three oral reports on assigned topics. In addition, each seminar member writes a paper on a topic of his or her choice, and each seminar member makes one or more oral reports about his or her paper topic. (There are no examinations.)

The required textbook is 1 & 2 Paul Giannelli & Edward Imwinkelried, SCIENTIFIC EVIDENCE (LexisNexis, 4th ed. 2007) & Supplements (most recent, either 2011 or 2012, as the case may be).

The course syllabus is at http://tillers.net/sciencesem2012/syllabus.html

Advanced Insolvency Seminar – see New Insolvency Frontiers: Detroit, Madoff, Lehman and other Non-Traditional Bankruptcies

Advanced Mediation Practicum
Professors: Love
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. This course requires permission of the instructor. Please contact Professor Love (love@yu.edu) no later than November 13th if you want to request permission to take the course.

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 19, 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 Topics in Copyright
Professor: Nimmer
Credit: 1
Pre-requisite: Copyright is a pre-requisite; for LL.M. students, an IP survey course can be used as a pre-requisite in place of Copyright. Note: Attendance at all class sessions is mandatory.

The class will work through 4-5 topics, based on actual cases, exposing the students to a panoply of copyright issues, elements, defenses, and strategies. Examples may include
- the complaint against Mrs. Seinfeld for infringing on a cookbook of recipes designed to entice children to eat vegetables;
- termination of transfer in the hit album from 25 years ago, Blondie's *Parallel Lines*;
- copyright renewal vs. lapsing into the public domain, as exemplified by a classic film, Frank Capra's *It's a Wonderful Life*, starring Jimmy Stewart and Donna Reed;
- A Japanese car commercial's unauthorized tribute to James Bond in advertising their new not-so-luxury sedan, and appeal of the district court's preliminary injunction against airing that commercial.

But the program is subject to change without notice, so all of copyright law's twists and turns are on the table and liable to be dissected!

Grades will be based on a 10-page paper and class participation. Enrollment is limited to 20 students.

**Advertising Law**

Professor: Wu  
Credits: 3  
Pre/Corequisite: None

This course examines legal issues that arise in advertising, and the related contexts of publishing and marketing. Issues addressed include: false advertising law and the regulation of misrepresentations, intellectual property rights, privacy and publicity rights, and non-traditional advertising and marketing techniques. There are no prerequisites for this course. This course has a take-home final examination.

**Advising Corporate Boards**

Professor: Underberg  
Credits: 2  
Pre-requisite: Corporations

In this seminar, students will consider a variety of fiduciary duty and corporate governance issues from the point of view of the lawyer advising boards of directors of both public and closely-held corporations. These issues include shareholder disputes, potential change of control and affiliate transactions, equity issuances, borrowings and investments, insolvency, governmental investigations, disclosure and “corporate social responsibility” matters, risk management, executive compensation and strategic planning. Each week, the class will consider how best to advise a board confronting a particular decision in light of the relevant caselaw, statutes and regulations, as well as the practical pressures from corporate stakeholders and other sources. In class discussions and in written “client memoranda”, students will gain an understanding of the role lawyers can play—and should not play-- in helping directors and officers make and implement decisions on behalf of their corporations.
Aggregate Litigation
Professor: Gilles
Credits: 2 or 3
Pre/Corequisite: None

The modern world is an increasingly interconnected world. One consequence of this interconnectedness is that wrongdoing has the potential to give rise to injury on a mass scale. A defectively designed consumer product has the capacity to injure millions of people. A fraudulent misstatement concerning the finances of a corporation has the potential to affect the price at which shares of that corporation trade, to the detriment of investors. A merger of two synergistically related companies can result in broad market repercussions, affecting the prices that consumers pay for goods and services. While much of law school focuses, quite understandably, on civil claims as isolated events that give rise to one-on-one litigation, this course is about the challenges posed for the civil justice system when claims arise not as isolated events but, instead, as part of a larger aggregate – in particular, when wrongdoing on a mass scale gives rise to the potential for large numbers of civil claims that exhibit varying degrees of similarity.

The text for this course is Richard Nagareda, The Law of Class Actions and Other Aggregate Litigation (2009 ed.) and there will be a final exam.

This class was formerly known as Class Actions, and is not open to students who took it under the former title.

Alexander Fellows and Magistrate Fellows Program/Judicial Clerkship
Professor: N/A
Credits: 10 (all clinical), plus corequisite seminar
Co-requisite: Alexander Fellows and Magistrate Fellows Seminar, or Supreme Court Seminar
Open to JD students only.

The Alexander Fellows program places students as junior clerks 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.

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.
Alexander Fellows and Magistrate Fellows Seminar  
Professor: Batts, Scheindlin, Swain, Garaufis  
Credits: 2  
Co-requisite: Alexander Fellows and Magistrate Fellows Program/Judicial Clerkship

This course will explore various topics related to federal courts and judging. Open only to students in the Alexander Fellows and Magistrate Fellows Program.

Alternative Business Entities: Limited Liability Companies, Partnerships and Business Trusts  
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.

This class was formerly known as ‘Partnerships and LLCs’; it is not open to students who took the course under the former title.

Alternative Dispute Resolution Seminar/Mediation Clinic  
Professor: Love, Love/Salzman  
Credits: Full-year clinic. 4 credits per semester (1 clinical, 3 academic). Credit is given only after completion of the spring semester. Enrollment is limited to 16 students selected during the previous spring clinic application process.  
Pre/Co-requisites: None.  
Open to JD and LLM students.

Mediation is the intervention of a trained, neutral, third party into a dispute to help the parties understand each other better, negotiate efficiently, and reach binding agreements resolving their conflict. Mediators assist disputing parties in communicating effectively, identifying and framing negotiable issues, generating alternative solutions to their conflict, and finding a mutually satisfactory outcome. Mediation training and service develop students’ communication, negotiation and drafting skills, as well as developing a vision of the lawyer’s role as problem-solver. The seminar component of the Clinic provides an overview of theories of social and interpersonal conflict and its effective management. The seminar supplements the Clinic’s
mediation practicum in which, after an intensive (25-hour) training program, students serve for 4 hours each week as mediators at the Brooklyn or Manhattan Mediation Centers, the Brooklyn or Manhattan Civil or Small Claims Courts, or for EEOC cases. Students have ample opportunity to mediate a variety of cases in different venues. 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, including counseling, negotiation, and arbitration, as well as mediation. Students develop an analysis of which process is optimal for particular disputes. STUDENTS WILL BE REQUIRED TO ATTEND AN INTENSIVE TRAINING PROGRAM in the fall prior to classes beginning and in the spring on a Sunday early in the semester.

Animal Rights
Professor: Sullivan
Credits: 2
Pre/Corequisite: None

This course will examine the legal status of non-human animals, including an overview of the relationship between humans and animals, how it varies according to the use to which animals are put and scientific understanding of the capacities of animals, and how it has evolved historically; how judges, administrators and other policymakers see and speak about animals; philosophical points of view on the appropriate relationship between humans and animals; current animal protection laws; recent efforts to reform such laws through legislation and litigation; “standing” and the problems of litigating on behalf of animals; the classification of animals as “property,” whether such classification is appropriate or important and how such “property” is legally valued; and whether reform, where needed, can come about within the current legal framework or whether new legal strategies, such as “legal personhood” or fundamental “legal rights” for animals, should be pursued. From time to time there will be guest speakers.

In the spring 2014 semester, this course will be taught by Professor Sullivan. However, any student wishing to use this course to satisfy the J.D. writing requirement will have their paper supervised by Professor Eva Hanks.

Anti-Terrorism and Criminal Enforcement
Professor: Lushing
Credits: 3
Pre/Corequisite: None

Legal responses to terrorism, including criminalization; procedural issues such as material witness warrants, search and seizure (Patriot Act), and the attorney-client relationship; enemy combatant designations, due process, and military tribunals and commissions; political and other protected activities such as free speech. There is no exam; a term paper is required reflecting the student’s own analysis of raw materials such as cases and statutes -- law review articles cannot be used in the writing of the paper. Students are expected to participate frequently in class
discussion and to keep up with current events.

**Antitrust**  
Professor: Shaw  
Credits: 2  
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: Cavanagh, Lao  
Credits: 3  
Pre/Corequisite: None  

The course will cover the Sherman Act, Clayton Act, Hart-Scott-Rodino Act, Robinson-Patman Act and other legislation 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.

**Antitrust, Advanced**  
Professor: Cavanagh  
Credits: 1  
Pre-requisite: Antitrust  

This one credit course will cover selected topics in antitrust. Areas studied may include:  
criminal antitrust enforcement; public and private civil antitrust enforcement; limitations on the private remedy; contemporary merger analysis; the antitrust/procedural interface--motions to dismiss and summary judgment; antitrust and intellectual property; vertical restraints and single firm conduct.

The survey course in Antitrust is a prerequisite. The grade will be based on an in-class examination.

**Antitrust and Intellectual Property**  
Professor: Frischmann  
Credits: 2  
Pre/Corequisites: Antitrust or one of the following: Copyright, Trademark or Patent Law  

This seminar explores a variety of difficult and increasingly important issues at the intersection of antitrust law and intellectual property, including patent pooling, licensing terms, and patent settlement agreements.
Appropriate Dispute Resolution (ADR) Field Clinic
Professor: Parker
Credits: 4 credits (2 clinical + 2 academic) for the semester
Pre/Corequisite: None

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

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
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.

There are no prerequisites.
Exam or paper eligible for writing credit.

**Art Law**  
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**  
Professor: Cobden/Hoag, Hoag  
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, Cultural Heritage Law.

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

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.

Host organizations will interview and select students. Preference will be given to upperclass
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, Cultural Heritage Law.

**Arts and Entertainment Law Journal**
Open only to JD students
Credits: Staff – 1 per year; Board – 2 per year
Pre/Corequisite: None

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.

**Authority and Liberty**
Professor: Rudenstine/Smith
Credits: 2
Pre/Corequisite: None

For the last one hundred years, anarchists, Bolsheviks, fascists, communists, terrorists, religious sectarians, ideological zealots and anti-war protestors have asserted rights that challenge authority thus igniting legal confrontations which have caused courts to reconcile individual liberty with the demands of an orderly society so that the preservation of order did not subvert the liberties the order safeguarded and promoted. The seminar will explore these antagonistic values through the study of prominent U.S. Supreme Court decisions.

Professor Rudenstine is willing to be a faculty advisor for any student in the seminar who wishes to do a independent research paper for one or two credits on a subject related to the seminar.
Bankruptcy Law: Debtors’ and Creditors’ Rights  
Professor: Carlson  
Credits: 3  
Pre/Corequisite: None  

This course covers the enforcement of money judgments (using New York law as the paradigm), fraudulent transfers, and bankruptcy liquidation under chapter 7.

This class was formerly known as Debtors’ and Creditors’ Rights; it is not open to students who took it under the former title.

Bet Tzedek Clinic  
Professors: Baldacci/Golick/Salzman  
Open only to JD students who have been selected through the clinic application process  
Credits: Full-year clinic. 3 clinical credits each semester for the Clinic (plus 2 credits each semester for the co-requisite Social Welfare Litigation Seminar). Credit is awarded only after completion of the spring semester.  

Full-year clinic, 10 credits per year. In the spring, open only to those enrolled in the Clinic in the previous fall semester, students must re-register for the spring.) Cardozo Bet Tzedek Legal services is an in-house civil law clinic. Its purpose is to teach lawyering skills such as interviewing, negotiating, and litigation.

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  
Professors: Powell/Dolgin/Ikoku/Asch (2nd semester only)  
Credits: Full-year class. 3 academic credits each semester. Credit is awarded only after completion of the spring semester.  
Pre/Corequisite: None. A limited number of law students will be admitted, by permission of the instructor.

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
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.

Students may download an application at: http://www.einstein.yu.edu/masters-in-bioethics/page.aspx?id=33924
Send applications or queries to Dr. Powell at bioethics@montefiore.org

This class was formerly known as the Bioethics Certificate Program; it is not open to students who took the course under the former title.

**Bioethics and the Law**
Professor: Hoffman
Credits: 2
Pre/Corequisite: None

“Every human being of adult years and sound mind has a right to determine what shall be done with his own body . . . .” With these words, written in 1914, Justice Benjamin N. Cardozo first articulated the doctrine of medical consent. And from that pronouncement has grown the field of medical ethics as we know it today.

This course will explore the influence of medical, legal and philosophical principles on the development of clinical bio-ethics consultation. The historical foundations of contemporary bioethics will be studied, with particular emphasis on the influence of the Nuremberg Trials and Tuskegee study on societal attitudes toward ethical decision-making in the provision of health care. Particular attention will be paid to the tension between medical paternalism (the obligation of health care providers to provide care that is best for the patient) and patient autonomy (the right of patients to make decisions about their health care including decisions which their doctors feel are bad decisions).

Course topics will include: introduction to moral reasoning, understanding the therapeutic relationship, decision making capacity vs. “legal competence,” informed consent and refusal of treatment, the rights and responsibilities associated with care of minors, death and dying,
suffering and end of life care, reproductive technologies, mental health and psychiatric issues, human subject experimentation, organ transplantation and organizational ethics. Each of these topics will be critically examined, to identify changes in practice dictated by the recent passage of the Family Health Care Decisions Act.

This course was formerly known as Bioethics; it is not open to students who took the course under the former title. However, students can take both Bioethics and the Law and the Bioethics Certificate Program.

Bioethics Mediation: Shaping Shared Solutions
Professors: Dubler
Credits: 2
Prerequisites: None

Bioethics is a body of scholarship produced by philosophers, lawyers, judges, medical-care providers, and theologians who, in a lively set of dialogues over the last four decades, have identified shared moral values and legal rules that provide the basis for the normative principles and precepts of modern medicine. Bioethical conversations have explored increasingly powerful medical technology that can maintain organ function beyond the existence of an integrated, relational person leading to questions of withdrawing and withholding treatment from such patients and, under pressure from the field of solid-organ transplantation, to the development of criteria for the determination of brain and circulatory death. Surrogate parenting, stem cell research, feminist ethics, ethics of disability, racial discrimination in healthcare, and other evolving issues have all demanded a contemporary exploration of medicine in light of established principles and shared societal commitment. Many of these developments have led to bedside conflicts between and among medical care providers, patients and family members that are addressed by Clinical Ethics Consultants using techniques of bioethics mediation.

There will be a series of "team exercises" to develop a memorandum for the mediators in regard to a "principled resolution" relevant to the dispute. There will also be the co-mediation of disputes and roles for other students to play in each mediation. After each class every student will be required to write a note to be placed in the patient's chart. There will be no final exam but rather a cumulative grade for the semester's work.

The first three classes will be a mediation "boot camp," followed by an introductions to modern bioethics. Subsequent classes will involve role play exercises, developed out of actual patient care consultations with a discussion of the relevant law, medical standards and philosophical writings.

**Business Immigration, Workforce and Compliance Law**  
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.

Completion of the Immigration Law course is preferred, but not required.

**Business Reorganizations**  
Professor: Holtzer  
Credits: 2  
Pre or co-requisite: Debtors’ and Creditor’s Rights

This course is a seminar focusing 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.

**Business Torts**  
Professor: Sebok  
Credits: 2  
Pre/Corequisite: None

This course will cover pure economic loss in the context of the relationships between various actors in the commercial world. The subjects that will be covered are: Tortious interference with contract and expectancies, the tort of “bad faith” in insurance coverage, intentional and negligent misrepresentation, the breach of fiduciary duty, civil racketeering and consumer fraud, and injurious falsehood and common law defamation in the commercial setting. There will be a 24 hour take home exam. Enrollment in limited to 20 students.
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.

Capital Punishment
Professor: Cooley
Credits: 3
Pre/Corequisite: None; Recommended: Criminal Procedure.

This course considers capital punishment’s legal, political, and social implications, with an emphasis on modern legal issues. Historical and philosophical perspectives on the use of capital punishment will frame the many contemporary questions addressed during the course. The course will spend much time discussing the intricate constitutional doctrines developed by the Supreme Court in the 1970s when it “constitutionalized” capital punishment. Doctrinal topics that will be discussed include: (1) the role of aggravating factors and how they must narrow the class of potential offenders who are eligible for the death penalty; (2) the role of mitigating factors and how jurors must be given an appropriate vehicle to consider these factors so they may render an individualized determination regarding the defendant’s deathworthiness; (3) challenges to the arbitrary and/or racially discriminatory application of the death penalty; (4) why the Eighth Amendment prohibits the execution of juveniles, persons with mental retardation, and persons who are insane; (5) restrictions on the exclusion or inclusion of pro-death or anti-death jurors in capital trials; (6) the role of defense counsel and their obligations under the Sixth Amendment’s Assistance of Counsel Clause; (7) the role of prosecutors and their obligations under the Fourteenth Amendment’s Due Process Clause; (8) the allocation of authority between judges and juries in capital sentencing; and (9) the scope of federal habeas review of death sentences. The course will also discuss executive authority and how clemency
and pardons factor into the capital punishment system. Finally, the course will conclude by addressing the future of capital punishment in the United States. Issues to be discussed include: (1) how the innocence and DNA movement has affected capital punishment’s jurisprudence and practice; (2) how have international perspectives and practices regarding capital punishment affected the United State’s capital punishment jurisprudence and practice; and (3) opinions by former and current U.S. Supreme Court Justices that call into question capital punishment’s constitutionality and future.

**Charity Governance**  
**Professor:** Leslie  
**Credits:** 2  
**Prerequisite:** Corporations; May be a co-requisite with the permission of the instructor.

This seminar will focus on the legal issues that executives and boards of directors of charitable nonprofit organizations routinely confront. After an initial exploration of the theory and structure of the nonprofit corporation, we will study the constraints that state law and the Internal Revenue Code place on the conduct of nonprofit executives and directors. Issues will include legal limitations on lobbying and campaign activity, avoiding private foundation status, commercial activity and the unrelated business income tax, joint ventures between for-profit and charitable entities, and the management of restricted gifts. The last few weeks will be devoted to exploring cutting-edge issues in the nonprofit sector. Past topics include “hybrid” business forms (such as benefit corporations and the L3C), the impact of the Patriot Act on charities that undertake international projects, special rules applicable to religious organizations, Occupy Wall Street, the Penn State/Jerry Sandusky scandal, and the Red Campaign.

In addition to the assigned reading, the syllabus will include discussion questions for the week. Students should come to the seminar prepared to discuss those questions. 30% of the grade will be based on class participation. A final 20-page research paper on the charitable governance topic of the student’s choice will count for 50% of the grade (students may use this paper to satisfy the writing requirement). A simple two-hour open-book exam, which will consist of a few questions taken directly from the discussion questions, will count for 20% of the grade.

This class was formerly known as Non-Profit Governance, and is not open to students who took it under the former title.

**Child Sexual Abuse and the Law**  
**Professor:** Hamilton  
**Credits:** 2  
**Pre/Corequisite:** None

The society-wide problem of child sex abuse has grabbed headlines in the last decade with the coverage of abuse in institutional settings, from the Roman Catholic Church to the Jehovah
Witnesses, and ultra-Orthodox Jewish communities, as well as the Los Angeles School District, Penn State, Syracuse, Horace Mann, Poly Prep, and many others. Slowly emerging from the shadows is the reality that most abuse does not occur in these institutional settings, but rather in the family context. This wave of revelations has forced lawyers, courts, and legislators to re-consider how this problem needs to be addressed. This Seminar will explore some of the social science literature on the issue and then focus on the cutting edge legal issues of our day, including First Amendment defenses to liability and discovery, mandatory reporting statutes, statutes of limitations, family court dilemmas, among others.

Students will be required to bring to each class a news story involving child sex abuse and the law. Grades will be based equally on class participation, a class presentation, and a final paper. Students will be required to provide a topic, a rough draft, and a final paper as part of the paper process.

**Children and the Law**
Professor: Hamilton  
Credits: 2  
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. There will be a 2-hour exam.

**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. **

Citizenship, Equality and International Human Rights
Professor: Rosenberg/Reddy
Credits: 2
Pre or Corequisite: International Law

Citizenship is the relationship between an individual and a state, by which, in common parlance, they could be said to ‘belong’ to each other. This belonging, in most states is conveyed by a combination of place of birth and descent, and results in assignments of citizenship that are so intuitively logical that in most cases they are never examined. Neither is the host of rights, privileges nor duties that attend citizenship usually analysed. The ‘core content’ of citizenship remains undefined.

The growing importance of citizenship can be viewed as a consequence of the rise of the modern, bureaucratic state. The human rights movement has been complicit in the elevation of the state to a position of prime importance in the legal universe, holding it responsible even for violations committed by non-state agents and in some cases for protection of individuals on other states’ territories.

Restricted access to political, economic and social rights, which would constitute discrimination if based on other grounds, is viewed as legally permissible where it is on the basis of lack of citizenship. Citizenship is virtually the only ground upon which states can legitimately decline responsibility for some individuals. Simultaneously, recognition of citizenship is being transformed from a situation of acceptance to being embodied in standardized, biometric identity documents. Ambiguity in citizenship, which in the past might have meant individuals enjoyed functional citizenship in most spheres, now usually results in effective denial of citizenship, even where individuals merit recognition of their citizenship as a legal matter.

Lack of citizenship—or the lack of documentation of citizenship, which may be indistinguishable from lack of citizenship itself—is clearly a significant handicap in the modern world. Restricting citizenship may serve several purposes for a state, including reducing its
economic responsibilities and enacting an idea of the state as composed of a specific ethnic or cultural group. Individuals who are denied recognition of citizenship by any state—stateless people—present a challenge to the modern state system, which is grounded on the notion that all individuals belong to some state. Globalization, international conflicts, and evolving migration patterns have created challenges to the current citizenship regime resulting in an estimated fifteen million stateless people around the globe. And it is only in the last decade that the concern over the issue of statelessness developed as a human rights issue separate from that of refugees.

This course will examine the bases of citizenship, implicit and explicit, and its role in the modern state. It will address citizenship as a ground for restriction of rights and analyse the justifications for such restrictions. It will consider procedures for recognition and documentation of citizenship, and role of both legal norms and politics in these processes. Lack of citizenship and specific instances of statelessness will be addressed, along with the developments of international law in response to statelessness.

**City of Newark Law Department Field Clinic/Seminar**
Professor: Otis
Credits: 4 (2 clinical credits for the field placement; 2 academic credits for the co-requisite seminar)
Corequisite: Field Clinic Seminar; Open only to JD and LLM students who have been selected through the field clinic application process.

Newark, commonly referred to as Brick City, is the third oldest city in the United States and the largest in New Jersey. Its government is small, accessible, and centralized in a historic building easily accessible from campus via the 14th Street PATH train. In a warm teaching culture devoted to cultivating student learning, students immerse themselves in local governance and practice in specialized divisions including Mayor Cory Booker’s office, the Municipal Prosecutor’s and Business Administrator’s offices and the Labor, Law and Civil Litigation Departments. Students help the mayor’s staff prepare for inter-governmental meetings; research, draft and provide counsel on legislation and planning issues; draft pleadings on novel challenging constitutional issues; try cases, conduct hearings, argue on the record and negotiate pleas in Municipal Court; conduct depositions; work up budget issues; and/or second-chair civil litigation. In the seminar, students study the theory and practice of governing, managing, and practicing law in a large municipality. Taught by Clyde Otis, First Assistant Corporation Counsel, City of Newark.

Civil Rights Clinic
Professor: Ginsberg
Credits: 6 credits (3 clinical + 3 academic) for the semester
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. Open only to JD students who have been selected through the clinic application process.

Cardozo's Civil Rights Clinic is a new 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.
**Class Actions – See Aggregate Litigation**

**Climate Change and Cities**  
Professor: Mehrotra  
Credits: 2  
Pre/Corequisite: None

(Note: some sessions meet face to face, some sessions online)

Climate change is altering the ways our cities are planned and managed; affecting more than half the world’s households and most firms. United Nations estimates that three billion people will be added to cities by 2050, predominantly in slums of Africa and Asia. In this course students learn about this critical global environmental challenge and explore city responses to climate change. The focus is on familiarizing the students with practical applications of frameworks for city climate risk assessment. The course provides an introduction to the importance of climate science, the tools to unpacking urban risks, adaptation and mitigation mechanism, and policy options for urban sectors like energy and transport, and their system-wide interactions through land use and governance. To develop problem solving strategies for environmental planning and management, students will learn the importance of including economic, social, and technical analyses that are spatially and temporally disaggregated, drawing on case studies from major cities around the world.

**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.**

**Climate Change and the Law**  
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.

**Commercial Law**  
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.

**Communications Law**  
Professor: Crawford  
Credits: 2 or 3  
Pre/Corequisite: None

This course will provide a basic overview of the Federal Communications Commission (FCC) and federal regulation of communications in the United States. The course will cover FCC regulation of broadcasting, cable and other forms of subscription television, wireless services, and internet access services.

**Community Development**  
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 and Theoretical Aspects of Corporate Governance**
Professor: Yablon
Credits: 2
Prerequisite: Corporations

This seminar examines contemporary post-Enron debates over the appropriate regulation of managerial activity in publicly-held business corporations in the United States. Beginning with theoretical models of agency costs and shareholder vs. stakeholder primacy, it will look at differences between American corporate governance practices and those in other developed market economies. Utilizing this framework, specific corporate governance issues such as executive compensation, takeovers and auditing controls will be examined. Each student will be required to write a paper and lead a class discussion examining one recent corporate scandal and analyzing it from the perspectives developed in this seminar.

Professor: Procaccia
Credits: 2
Prerequisite: Corporations

Although the statutory framework and judge-made law relating to corporate governance vary across jurisdictions, many key issues are basically similar everywhere. For example, every country has to take a position on issues such as how to monitor managers and control
stockholders, how to make sure that minority stockholders, creditors and other non-stockholder constituencies are not abused, how to structure mergers and other forms of acquisitions in an efficient and equitable manner, and how to minimize the costs of insolvent corporate reorganizations. This seminar will focus on some theoretical and comparative aspects of these and other key issues in corporate governance. Students will be required to write a short supervised paper and will be graded on the basis of the written paper, their oral presentation of the paper, and on the basis of their active and informed class participation. There will be no final exam.

**Comparative Constitutionalism**
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.

Professor: Mancini
Credits: 3
Pre/Corequisite: None

This course examines constitutionalism, the rule of law, and key constitutional subjects and issues from a comparative perspective. Its aim is to show students that, by revealing how other systems address similar problems, comparative constitutional law gives us a better purchase on our own legal systems and legal cultures and to provide them with a critical understanding of the strengths and limits of constitutional law in regulating social and political processes. The materials covered will be systematically analyzed in terms of the foundations of individual legal systems: the assumptions, choices and values that have formed them. Coverage will include: the uses, benefits, rewards, drawbacks, and pitfalls of comparative analysis in constitutional law and the controversy over reliance on foreign constitutional materials in domestic constitutional adjudication; the different models of constitutional review 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 First Amendment  
Professor: Rivlin  
Credits: 1  
Pre/Corequisite: None  

Two hundred years after the adoption of the American Bill of Rights, Israel has adopted its own Bill of Rights. Freedom of speech was not mentioned in it; yet the Israel Supreme Court ruled that the right to free speech can be derived from the rights to liberty and human dignity explicitly protected by the Bill. Following Marbury v. Madison, the Court also had assumed the power of judicial review. The Court, however, decided not to follow the American categories approach to protected speech. Instead, it extended the constitutional protection to all types of speech, while setting certain limits to that protection. This course will look into the differences and the similarities between the two systems. Particular topics for discussion will include the limits of constitutional protection as defined by the rationales for free speech; fighting words and “talisman”; hate speech; freedom of speech on the Internet; and the right to speak anonymously.  

Readings will be provided by Instructor.

Comparative Law  
Professor: Suk  
Credits: 2 or 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.

Professor: Bussani  
Credits: 3  
Pre/Corequisite: None  

This course is an introduction to the comparative study of different legal systems and cultures. It will focus on comparing the United States' legal system with those of the European civilian tradition. There will also be some attention to non-Western legal traditions, such as those of Sub-Saharan Africa, East Asia, 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 extent to which differences in legal doctrines, practices, and institutions reflect differences in social structure, culture, and historical development. Particular topics for comparative study will include: legal pluralism; contracts; torts; civil and criminal justice; legal globalization, and the legal roots of Western democracy.

**Comparative Remedies**  
Professor: Rivlin  
Credits: 1  
Pre/Corequisite: None

American and Israeli systems of tort remedies are similar in many important respects. Yet, the two systems also exhibit substantial differences. The course will take a close look at and try to explain these differences. Specifically, it will focus on the interplay between the constitution, public policy and remedies; on compensation for pain and suffering, for violation of a medical patient’s right to informed consent, for ethereal damages that include harms to autonomy, dignity, and emotional wellbeing; on compensation of secondary victims; and on the use of gender- and race-based actuarial data as a factor in assessment of damages.

Reading materials will be distributed by instructor.

**Complex Civil Litigation**  
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 joiner, 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.
Compliance in Financial Institutions
Professor: Reitman
Credits: 2
Pre/Corequisite: None

This course will explore the basic elements of a compliance program in a financial institution. 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.

Concepts of Justice
Professor: Rosenfeld/Schlink
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
Professor: Sterk
Credits: 3
Pre/Corequisite: None

Judicial jurisdiction and limitations on its exercise; effect of sister state and foreign judgments; constitutional limitations on choice of law; traditional choice-of-law doctrine and the development of more modern approaches, with applications to various fields of substantive law; choice-of-law problems in the federal courts.

Constitutional and Civil Rights Litigation
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 & Statutory Interpretation  
Professor: Fish  
Credits: 3  
Pre/Corequisite: None

Everyone in the legal world – lawyers, judges, legal academics, law students, media pundits – uses the word interpretation in a way that suggests its meaning is clear. At the same time, however, there are endless debates in the law journals and elsewhere about what interpretation really is, and the participants in these debates are all convinced that the very stability of law and the success of the democratic project depend on settling on the right definition. In this course we shall examine the competing theories of legal interpretation now in the field – textualism, intentionalism, and the living constitution. We shall read and discuss representative formulations of each theory and consider what implications for the process of legal decision making each holds. We will then move to a consideration of interpretation in general, looking to the controversies in other fields and relating them to the controversies in the field of law.

Constitutional Interpretation  
Professor: Rosenfeld, Weisberg  
Credits: 2  
Pre or Corequisite: Constitutional Law II (Rosenfeld); Recommended Courses: Constitutional Law II and/or Law and Literature (Weisberg)

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 II  
Professors: Adams, Hamilton, Herz, Reinert, Rosenfeld, Weisberg, Rudenstine  
Credits: 3  
Pre/Corequisite: None

Sources, content, and scope of constitutional protection afforded individual rights, focusing on “unenumerated” fundamental rights, the equal protection clause (including but not limited to bars on racial and sexual discrimination), and freedom of speech.
Consumer Bankruptcy
Professor: Carlson
Credits: 3
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
Professor: Coffey
Credits: 4 (2 clinical credits for the field placement; 2 academic credits for the co-requisite seminar)
Corequisite: Field Clinic Seminar; Open only to JD and LLM students who have been selected through the field clinic application process.

Students extern in 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 – highlighted in an influential report by MFY Legal Services, “Justice Disserved,” documenting inadequate service of process aka “sewer service” – 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; assist in affirmative litigation; draft research memos and pleadings; 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
Professor: Pearlstein
Credits: 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.

Grades will be based on class participation (20%) and a research paper, on a topic to be approved by the professor, due at the end of the semester (80%).

This class used to be called The Law of War and Contemporary Conflicts; it is not open to students who took it under the previous title.

Cooperatives and Condominiums
Professor: Talel
Credits: 2
Pre/Corequisite: None

This course focuses on issues relating to the legal structure, management, and ownership of cooperative housing corporations and condominiums. Topics include the contrasting natures of the two forms of ownership; management of the entities; transfer and assignment of ownership interests; communal responsibility; defaulting owners; house rules; income tax considerations; Offering Plans; and Attorney General regulations.

Copyright
Professors: Hughes, Sterk, Crawford, Buccafusco
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 Finance
Professor: Schroeder
Credits: 3
Prerequisite: Corporations

This course covers various legal and economic issues concerning the financing of corporations including the valuation of the concern, the rights of bondholders and preferred stockholders,
capital structure and dividend policy.

**Corporate Governance for Distressed Companies**  
Professor: Henes  
Credits: 2  
Prerequisite: Corporations

Corporations are governed by management and boards of directors. The business judgments and decisions made by these men and women set the course for a company’s future growth or failure. When a company experiences financial or operational issues, or severe economic decline, governance and leadership are more important than ever. *Corporate Governance for Distressed Companies* will focus on the lawyer’s critical role in advising boards of directors and management teams in the face of financial distress. The course will begin with an overview of a board of directors’ fiduciary duties, a discussion about corporate restructurings both in and out of bankruptcy court and practical rules to follow to advise boards of directors appropriately. In addition, the course will include guest speakers, both CEOs and members of boards of directors, to provide students with real world advice.

**Corporate Governance 2012**  
Professor: Radin  
Credits: 2  
Prerequisite: None

This seminar will explore new trends in corporate governance law and practice in the aftermath of the subprime mortgage crisis and the Dodd-Frank Act of 2010. The seminar will focus on the extent to which the rules governing director conduct and liability have changed during the last decade, new best practices, new strategies being employed by shareholder activists, new strategies being employed by plaintiffs and defense counsel in shareholder derivative actions and other corporate governance cases, and the impact these new best practices and new litigation strategies are having on boardroom behavior. The roles of Delaware and the federal government, the Dodd-Frank Act of 2010, and proposals for change beyond the Dodd-Frank Act will be emphasized.

Grading for this class will be based upon a paper (75%) and classroom presentations/participation (25%).

**Corporate Internal Investigations**  
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 Taxation**  
Professor: Engler, Zelinsky  
Credits: 3  
Prerequisite: Federal Income Tax  

Examination of the 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**  
Professors: Bierschbach, Engler, Schroeder, Yablon, Haas, Ganor  
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 people with no background in business can acquire an understanding and appreciation of the basic vocabulary, 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.

Professor: Pan  
Credits: 4  
Pre/Corequisite: None  

This course surveys the nature, formation and governance of business organizations with an emphasis on understanding the control relationship among officers, directors and shareholders in publicly held corporations. Topics covered in this course include agency and partnership law, choice of business entity, basic fiduciary law, shareholder voting (including federal proxy rules), derivative suits, reorganizations, and control transactions. This course also will include an
introduction to basic accounting principles.

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

Courts in National Security Cases
See, Hands On/Hands Off: The Role of Courts in National Security Cases

Criminal Appeals Clinic
Professor: Neustadter
Open only to 2nd-year JD students after selection through the spring clinic application process. Credits: Full-year clinic. 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

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
Professor: Oberman/Blasser
Open only to JD students selected through the clinic application process.
Credits: Full-year clinic. 6 credits in fall semester (3 academic, 3 clinical) and 5 credits in the spring semester (2 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).

The objective of the Clinic is to inculcate a high standard of excellence in learning litigation skills and professional responsibility. The focus of the Clinic is the closely supervised student representation of defendants charged with misdemeanors in the Manhattan Criminal Court. This representation goes from the initial client interview all the way through trial and sentencing (if there is a sentence) and includes a significant amount of motion practice and brief writing. Clinic students also assist the Clinic faculty in major litigation projects, including homicide cases, federal criminal cases, post conviction cases, cases involving DNA fingerprinting (through the Innocence Project), etc. In addition, students are assigned to senior attorneys at the Legal Aid Society, Criminal Defense Division, who identify appropriate cases for the students’ participation. This arrangement allows greater access to misdemeanor litigation and permits the students to help prepare and second seat a felony trial or hearing. Much effort is devoted to improving the writing skills of Clinic students.

There is a strong classroom component to the course, featuring bi-weekly videotaped simulations and faculty lectures in areas of evidence, criminal procedure, criminal law and professional responsibility.

Enrollment is limited to 18 students. This clinic fulfills the Professional Responsibility requirement and the upper-level writing requirement.

Criminal Justice and Society Colloquium
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, Advanced**  
Professor: Huigens  
Credits: 3  
Pre/Corequisite: 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.

**Criminal Procedure**  
Professor: Halberstam, 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”.

Professor: Lushing  
Credits: 3 or 4  
Pre/Corequisite: None

The course chiefly deals with constitutional issues arising from investigation and prosecution of crime, but important non-constitutional issues will be flagged. The principal topics are arrest, search and seizure, confessions, line-ups and other identifications, grand jury investigation and indictment, and various stages of prosecution and trial.
Criminal Procedure II  
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.

Professor: Greenberg  
Credits: 2  
Pre/Corequisite: None  

This course considers constitutional and (to a lesser degree) statutory provisions that govern the adjudication of criminal cases. Topics include: the charging process; the Grand Jury and other screening devices; bail and pre-trial release; the right to counsel; the definition of effective assistance of counsel; discovery by government and defense; the right to speedy and public trial; the right to jury trial; Batson and the composition of the jury; sentence; and the guarantee against double jeopardy.

Criminal Trial Practice  
Professor: Greenaway  
Credits: 2  
Pre- or Co-requisite: Evidence  

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, openings, closings, direct and cross examination – culminating in a trial. No exam. No paper. Your grade is based on your classroom presentations. This class is limited to 16 students.

Professor: Hernandez  
Credits: 2  
Pre- or Co-requisite: Evidence  

This course is a hands-on trial advocacy course where students will spend substantial portions of class time “on their feet” sharpening their trial skills. Students can expect to learn about jury selection, direct and cross examination, summations, and several other aspects of criminal trial practice. Some of the materials for this course will come from actual criminal cases, such as the George Zimmerman prosecution. There is no exam. Your grade is based on your classroom
presentations and the completion of a few short assignments. This class is limited to 16 students.

**Critical Security Studies (New School)**
Professor: Silina
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 seem to 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 explore the concept of security as a central organizing principle of modernity.

The goal of this seminar is to give students tools to think critically about the concept of security, about how this concept has changed, and about the various contexts in which security is used as a norm for action in contemporary institutions. It is not, thus, concerned with "theories" of security, or with practical questions in areas such as conflict resolution. Nor does it seek to offer an overview of any academic field concerned with "security" problems. The class will, however, offer students a critical perspective on all of these by developing historical perspectives on - and conceptual orientations to - the broad problem of security.

**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.**

**Cultural Heritage**
Professor: Roussin
Credits: 2
Pre/Corequisite: None

In the past 30 years a growing body of treaty, statutory, and common law has developed affecting how cultural property (works of art and antiquities), cultural practices (music, dance, traditional medicine), natural and “meaning-filled” landscapes, and the built environment are owned, controlled, or protected. This seminar will focus on issues concerning the protection and preservation of cultural heritage. Ethical and legal aspects of the international trade in art objects and antiquities, national and international attempts to control such trade, the management of museums, protection of cultural heritage in armed conflict, preservation of the built environment and historic structures, indigenous cultural appropriation and restitution, issues involved in
protection of cultural heritage and cultural resource management, as well as conflicts of law in the recovery of stolen art works, will be considered.

Debtors’ and Creditors’ Rights – see Bankruptcy Law: Debtors’ and Creditors’ Rights

Department of Financial Services (DFS) Field Clinic
Professor: D. Burstein/Composti
Credits: 4 credits (2 clinical + 2 academic) for the semester
Pre/Corequisite: None

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

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). 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.

Disability Law and Its Implications
Professor: Asch/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.

Displacement, Asylum, Migration (New School)**
Professor: TBA
Credits: 2
Pre/Corequisite: None

In essence, this course explores how attempts to distinguish between forced and voluntary migration have shaped international norms, standards and institutions, as well as state-level practices and localised strategies and tactics. Adopting an interdisciplinary perspective that draws insight from international law, anthropology, history and political economy, we engage fundamental questions related to belonging, identity and the politics of being out-of-place. Major themes include: refugees and the limits of asylum; internal displacement and human rights; the protection of irregular migrants; the trafficking and smuggling of persons; development-related resettlement and persons displaced by natural disasters. The course will be of specific value to students with a critical research or professional interest in the governance and management of populations-at-risk, emergency assistance and humanitarian aid, international development work and advocacy related to protection from displacement.

** 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.

Dispute Resolution Processes
Professor: Love, White
Credits: 2
Pre/Corequisite: None. N.B. Mediation Clinic students are precluded from enrollment.

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 Investing -- see Realizing Value in Corporate Restructurings: Distressed Investing, Distressed Lending and Private Equity**

**Divorce Mediation / Divorce Mediation (Summer Intensive)**
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

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.

Note: If you have taken or are taking the Mediation Clinic, enrollment in this course is with the permission of Professor Love only.

In 2013, the Summer Intensive class will meet during the week of August 19th. The class will meet from 9:00 to 6:00 on Monday through Thursday, and from 9:00 to 3:00 on Friday.

**Divorce Mediation Clinic / Advanced Divorce Mediation Seminar**
Professor: Collins  
Credits: 3 (2 academic; 1 clinical)  
Pre-requisites: Enrolling in the August Intensive week-long class; or, prior completion of either section of the semester-long Divorce & Family Mediation course; or, prior completion of both the Mediation Clinic and Family Law; or, equivalent experience.  
Open only to JD and LLM students who have been selected through the clinic application process.
Divorce mediation has become an accepted alternative to litigation in the resolution of the complex issues raised in family restructuring. This course is designed to provide both practical mediation experience and theoretical insight into divorce mediation and family law practice. While this clinic is ideal for those considering incorporating divorce mediation in 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 may eventually have an opportunity to mediate solo, all under direct faculty supervision. Students are responsible for mediating all aspects of divorce, including a couple’s parenting arrangements, child support questions, asset division, spousal maintenance, grounds, and tax issues; students then draft settlement agreements and prepare and file divorce papers. A two-hour seminar once each week focuses on the substantive law of custody, support and equitable distribution, an analysis of mediation techniques, models 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 and drafting legal documents. In addition to the four hours spent at the courthouse each week, students are expected to devote an additional four hours each week to related practice tasks such as drafting agreements and divorce filings, preparing a seminar presentation on a topic of their selection, and independent study and field work projects.

Students must be available for a four-hour block of time for mediations each week -- this past semester from Noon to 4:00 P.M. on Mondays or Tuesdays, or from 10:00 A.M. to 2:00 P.M. on Wednesdays or Fridays; in addition, there is a 2-hour weekly seminar on Mondays 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, analyzing mediations, observing mediations, journaling their experiences, preparing seminar presentations, and reviewing and critiquing mediation sessions.

Enrollment is limited to a maximum of 12 students, selected by application.

**Domestic Commercial Arbitration**
Professor: Pew  
Credits: 2  
Pre/Corequisite: None

Arbitration is on the rise as an alternative to traditional court litigation. This course will study
arbitration from historical, statutory, social and practical perspectives. We will analyze and discuss the Federal Arbitration Act, the Revised Uniform Arbitration Act, and key Supreme Court decisions that have shaped arbitration. Students will become acquainted with the basics of arbitration procedure and will consider whether the trend toward arbitrating consumer and employment disputes is beneficial or harmful to society.

**Domestic Violence and Child Abuse**
Professor: Lucibello/Hettleman  
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.

**Drafting and Analyzing Corporate Agreements**
Professor: Jacobs  
Credits: 2  
Prerequisite: Contracts taken in a US law school and Corporations

Drafting and 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.
Dynamic Jurisprudence
Professor: Jacobson/Schlink
Credits: 2
Pre/Corequisite: None

Dynamic jurisprudence concerns the dynamic elements of legal systems. A dynamic element is a structure within the legal system that forces the system to change the law as it applies the law. Dynamism is a force that has, for the most part, lain unrecognized in legal theory. This seminar aims to change that neglect. Readings will include great texts from legal theorists who have grappled with the phenomenon of dynamism and current efforts to further that work.

E-Discovery, Digital Evidence and Computer Forensics
Professor: Burke
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.

Education and International Development (New School)**
Professor: Gershberg
Credits: 2
Pre/Corequisite: None

This course provides an introduction to the economic, social, and political dimensions of education and to the policies and practices of education in developing countries. Students become familiar with a wide range of issues and skills necessary to participate in the debates around the state of education in varied countries and regions of the world: Latin America, Africa, Eastern Europe, the Middle East and North Africa, and Asia. We consider the current level of educational achievement across the globe, the prevailing diagnoses of the most important problems, the most prominent goals for improvement (e.g., the U.N. Millennium Development Goal of universal primary education), the politics of educational reform, and the most promising strategies for improving educational achievement and social and human development outcomes.
** 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.

**Education Law**
Professor: Sciarra
Credits: 2
Pre/Corequisite: None

This course will survey constitutional, statutory and policy issues that affect the education of children in the United States, pre-k through secondary school. Topics include the right to an education; compulsory attendance and school choice; what schools should teach and what students should learn; religion and expression; discipline; and educational equity, especially in relation to race, class and disability.

This is a survey course, and doesn’t provide a full picture of the law in these areas. Students will be introduced to major laws and cases, and various policy considerations and current debates over these legal issues. Students will also practice working with these issues in ways that are designed to stimulate critical thinking and analysis concerning the most important education law issues facing the nation today.

**Education Policy (New School)**
Professor: Meade
Credits: 2
Pre/Corequisite: None

This course focuses on recent trends in public school governance and educational reform. After building a foundation in the concepts of school governance and public choice, the seminar explores several important trends affecting public school attempts to improve performance and accountability to parents and other taxpayers. Thematically, community and parental participation and school choice tie the elements of the course together. We explore a range of concepts advocated and implemented by politicians, education administrators, parents, community groups, and education analysts and attempt to discern the effectiveness of such programs for a wide variety of jurisdictions with different needs, constituencies, and demographic profiles. Topics include school-based management, school choice and voucher programs, and school finance.

** 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.**

**Election Law**  
Professor: Hecker  
Credits: 2  
Pre/Corequisite: None

This course examines the regulation of federal, state, and local elections. We will explore the way the law and other forces have shaped the structure of American political participation, and we will consider alternative directions that American democracy might take. Topics will include the right to vote, the representation of minority interests in democratic bodies, ballot access, the rights of political parties, the regulation of primaries, the Voting Rights Act, and racial and partisan gerrymandering.

**Elements of Finance**  
Professor: Allison  
Credits: 2  
Pre/Corequisite: None

Please note: This class has two required Saturday sessions on 2/1, 9:30am-5:30pm; and 3/1 10am-1pm; in addition to the regular Wednesday class meetings. *Alternate arrangements for Sabbath observers have been provided for; please see Professor Allison.*

Elements of Finance and Capital Markets ("EOF") addresses the animated debate being carried on in environmental policy and sustainability management, international affairs, nonprofit management, organizational change management, global economic development and urban policy about how to arrive at a variety of decision points that support job growth, business retention, and development on local, regional, national and international levels. Students develop confidence with accounting and financial concepts in order to analyze, influence and implement domestic or international economic development, environmental policy and sustainability management, public policy management and leadership decisions. Each participant is required to purchase and complete an assigned financial accounting self-study, entitled, Financial Accounting: A Management Perspective before the first class. The class makes extensive use of the case method, also known as participant centered learning, online testing tied directly to the course's textbook, learning team assignments, and group presentations. Also, there are two mandatory Saturday labs for the course. Participants will gain: (1) An understanding of the concepts and language of accounting and finance so it can be used as an effective tool for communication, monitoring, resource allocation and introductory risk analysis; (2) Mastery of
the vocabulary of financial statements; and (3) Familiarity with how modern accounting, finance and control theory is used in evaluating economic development and organizational decisions.

** 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.

Emergency, Security, and Democracy (New School)*
Professor: Hewage
Credits: 2
Pre/Corequisite: None

This course will examine the contemporary relationships among emergency, security, and democracy by exploring settings in which extraordinary expedients are devised to anticipate and tackle political, economic, and humanitarian problems. We will examine topics such as: the history of longstanding states of emergency in Egypt, Algeria, Syria and Sri Lanka and their recent suspension; the genesis of US and UK antiterrorism legislation and the status of the Guantanamo Bay detention camp; national and international measures to address financial crises; and the creation and operation of refugee camps for the victims of xenophobic violence in sub Saharan African. We will investigate the concepts of necessity, urgency and discretionary authority which underwrite exceptional governmental practices of security in these cases. Our exploration of these conventional and unconventional emergency settings will enable us to address questions such as: What do emergency measures imply for our understanding of the democracies that employ them? What are the legal consequences of emergency practices? And how might the perspective of emergency change our understanding of humanitarian practices, which almost by definition operate in spaces of exception?

** 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.
**Employment Discrimination**  
Professor: Jacobson  
Credits: 3  
Pre/Corequisite: None  

The course will study the basic principles of federal employment discrimination law. The course will focus on Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. Special attention will be devoted to procedural issues raised by employment discrimination claims. The grade will be based on a final examination.

**Employment Law**  
Professors: Silverman, Suk  
Credits: 2 or 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 and Media Law**  
Professors: Korzenik/Rayman, Rayman/Reinecker, Chatillon/Buckley, Butterman/Falkenberg  
Credits: 2  
Prerequisite: 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 publishing, motion pictures, television, art and the new electronic media. The course focuses on the constellation of rights and legal issues that are at the heart of media and 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. Emphasis on media issues such as libel, privacy, and the new news-gathering torts. Discussion of some of the international legal aspects of these issues, with particular attention to issues raised by the Internet.

**Environmental Concerns in Corporate Transactions**  
Professors: Morreale/Rivlin  
Credits: 2  
Pre/Corequisite: None, however it is recommended that students have taken Environmental Law and/or Corporations.  

Environmental laws have far-reaching consequences in the business world. Corporations in the
U.S. and elsewhere incur enormous costs complying with environmental requirements, remediating contaminated properties and defending “toxic tort” litigation. Complying with environmental requirements frequently affects the ability of corporations to operate effectively and profitably, expand or modify operations and meet financial projections. Environmental costs and liabilities can affect stock values and the cost of capital, and influence corporate structures and decision-making on a wide range of business issues seemingly unrelated to environmental protection.

This class explores how environmental laws affect a variety of business transactions, including mergers and acquisitions, securities offerings, lending and secured transactions and real estate development (involving virtually every industry, from heavy manufacturing to internet commerce). Students will examine how environmental liabilities and risks are identified, evaluated and allocated in corporate transactions and discuss the regulatory, market and political forces at play in this context. Students also will have the opportunity to reflect upon the relative effectiveness of governments and capital markets as environmental regulators.

**Environmental Law**  
Professor: Herz, Suchman  
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**  
Professor: Weiss, Hennessey  
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 in which 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.

**Estate & Gift Taxation**
Professor: Cunningham, Zelinsky  
Credits: 3  
Pre/Corequisite: None

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.

**Estate Planning and Drafting**
Professor: Schwartz  
Credits: 3  
Pre or Co-requisite: Trust & Estates and Federal Income Tax, or permission of the instructor

This seminar will focus on the basic and fundamental elements of lifetime and testamentary estate planning. It will include an exploration of the legal, tax, business and human relations aspects of estate planning. Among the areas which will be covered are: Irrevocable Gifts (including gifts to minors, charitable gifts, grantor retained trusts; and qualified residence trusts); revocable trusts; gifts to spouses and the marital deduction; life insurance, the disposition of closely held business interests; joint ownership; private annuities; installment sales; sales to defective grantor trusts; the uses of LLC’s; post-mortem planning including disclaimers, and the curing and modification of irrevocable dispositions. The seminar will also focus on drafting skills and will including the critique and review of the key documents used in estate planning today.
Ethics for the Business Attorney
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. The course will expose the student to a wide range of ethical issues confronting the business or corporate attorney. The course will focus on the New York Rules of Professional Conduct, with special emphasis on confidentiality, conflicts, the attorney-client privilege as well as the impact of social media web sites. With the large number of high profile corporate scandals, the enactment and enforcement of Sarbanes-Oxley §307 and the underlying Rules adopted by the Securities and Exchange Commission, it is important that practicing attorneys understand the unique issues, challenges, and conflicts facing the business attorney. This course satisfies the professional responsibility requirement. There is no prerequisite for this course.

Ethics in Criminal Advocacy
Professor: Yaroshefsky
Credits: 2 or 3
Pre/Corequisite: None

This seminar is an exploration of the roles, rules and best practices for prosecutors and defense lawyers in state and federal criminal justice systems. We examine the difference between the role of criminal defense lawyer and prosecutor in our adversarial system and how those differences translate into different ethical obligations. This course explores a wide range of sources that enforce professional standards for prosecutors and defense lawyers. Prosecutors and criminal defense lawyers will join the seminar for selected class discussions.

Ethics in Litigation
Professor: Ross
Credits: 2
Pre/Corequisite: None

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 Union Law
Professor: Diamantides
Credits: 2
Pre/Corequisite: None

Unlike the United States, what is today the European Union (EU) emerged as an international organization. The instrument giving rise to it was a traditional multilateral treaty. However, the extraordinary activism of the EU's judiciary progressively closed the gap between a treaty based relationship among sovereign Member States and one pursuant to a federal constitution by declaring the EU to be a sui generis organization. Many new treaties followed through the years echoing this jurisprudence and today's EU is a peculiar hybrid system, with many but not all federal features. This hybrid system attracts criticisms concerning democracy and efficiency; for example, while EU laws are in principle superior to the laws of the Member States the directly elected European Parliament only co-legislates with other, unelected, law-making institutions; Moreover, the EU also has a single market and it manages a single currency for most of its Member States but, until the current sovereign debt crisis erupted, the monetary union members lacked the will to forge a common fiscal policy.

The fundamental texts which define EU institutions and their powers are found in a number of successive international treaties as interpreted by the Court of Justice of the EU. This course provides a general introduction to EU institutional and substantive law. On the one hand, the course aims to equip students with the necessary understanding of the institutional dynamics of the EU regulatory space. Accordingly the first part of the course is intended to acquaint students with the essentials of the legal framework supporting market integration between EU member states. It analyzes the European integration process, and the structure, objectives and fundamental values of the EU, the impact of EU law on national legal orders, and the nature and scope of EU citizenship. The subsequent, substantive, section analyzes the policy tools and legal instruments employed to develop the internal market. To this purpose, classes will focus on selected fields, such as, free movement of persons, free movement of goods, freedom of establishment and services, anti-discrimination and competition laws.

Professor: Bussani
Credits: 2
Pre/Corequisite: None

Unlike the United States, what is today the European Union (EU) emerged as an international organization. The instrument giving rise to it was a traditional multilateral treaty. However, the extraordinary activism of the EU’s judiciary progressively closed the gap between a treaty based relationship among Member States and one pursuant to a federal constitution. Many new treaties followed through the years, and today’s EU is a peculiar hybrid system, with many federal features: it has a directly elected European Parliament, and law-making institutions, the laws of which are in principle superior to the laws of the Member States; it has a single market and it manages a single currency for most of its Member States. The fundamental texts which define these institutions and their powers, however, are still a number of successive international treaties.
This course provides a general introduction to EU institutional and substantive law. On the one hand, the course aims to equip students with the necessary understanding of the institutional dynamics of the EU regulatory space. On the other hand, the course is intended to acquaint students with the essentials of the legal framework supporting market integration between EU member states. Accordingly, the course is divided into two sections. The institutional section covers the distribution of power among EU institutions and between EU institutions and the Member States, the EU constitutional architecture and techniques of policy-making, and the EU external relations with international organizations and third-country States. The subsequent substantive section analyzes the policy tools and legal instruments employed to develop the internal market. To this purpose, classes will focus on selected fields, such as freedom of establishment and services, consumers’ protection, products liability, as well as the official and unofficial efforts to build up a pan-European legal culture.

Professor: Mancini  
Credits: 2  
Pre/Corequisite: None

Unlike the United States, what is today the European Union (EU) emerged as an international organization. The instrument giving rise to it was a traditional multilateral treaty. However, the extraordinary activism of the EU’s judiciary, the European Court of Justice (ECJ), progressively closed the gap between a treaty based relationship among Member States and one pursuant to a federal constitution. Many new treaties followed through the years, and today’s EU is a peculiar hybrid system, with many federal features: it has a directly elected European Parliament and law-making institutions, the laws of which are superior to the laws of the Members States; it has a single market and it manages a single currency and monetary union for most of its Member States. The fundamental texts which define these institutions and their powers, however, are still a number of successive international treaties.

This course provides a general overview of this "new legal order". It analyzes the European integration process, and the structure, objectives and fundamental values of the EU, the impact of EU law on national legal orders; and the nature and scope of EU citizenship. The course also focuses specifically on the protection of fundamental rights in the EU, and thus allows for examination of multi-level constitutionalism and of the role of fundamental rights in such a novel setting.

Evidence  
Professor: Leslie, Lushing, Roth, A. Stein, Yaroshefsky  
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.

Professor: Tillers
Credits: 4
Pre/Corequisite: None
This course examines factual proof in trials and the legal rules that govern the process of proof. Both logic and law are considered. Specific topics include relevance; undue prejudice; various rules based on “collateral policy” (such as the policy of minimizing the waste of resources); standards of proof and persuasion; “circumstantial” character evidence, including sexual propensity evidence; evidence of habit and routine organizational practice; testimonial impeachment and rehabilitation; authentication; real and demonstrative evidence; rules peculiarly applicable to documentary evidence; expert and scientific evidence, including overtly-probabilistic evidence; and one or two non-constitutional privileges (such as the marital secrets privilege).

Consult the following web site for a more detailed description of the course: http://tillers.net/ev-course/syllabi/syllabus.html

**Evidence, Advanced**
Professor: Tillers
Credits: 2
Prerequisite: Evidence

The general subject of this course is evidentiary rules, principles, and problems in cases involving claims of sexual misconduct. This topic is a broad one and we will have time to consider only some of the evidentiary issues that arise in sexual misconduct cases.

Details about the course are available at http://tillers.net/advanced/home.html

The course is run largely as a seminar. Each student must submit a research paper. Each student must present his or her paper to the class. Participants in the course are expected to attend class regularly and they are expected to participate regularly in class discussion.

**Evidence, Advanced: Scientific Evidence, -- See Advanced Evidence: Scientific Evidence**
**Fact Investigation I**  
Professor: Tillers/Segal  
Credits: 3 (2 academic, 1 clinical)  
Pre/Corequisite: None  

Effective pretrial investigation requires not only imagination, but also careful marshaling of evidence and careful organization of thinking about evidence. It frequently requires the application of a variety of distinct marshaling and analytical methods, such as the construction of event chronologies, the formation of scenarios, orderly assessment of the credibility of testimonial evidence, and the marshaling of evidence on the basis of legal rules and their elements. Students in the course will become acquainted with a tool kit of evidence marshaling strategies for investigation. Students work in teams and conduct actual investigations of real-world problems. Consult the following web site for a more detailed description of the course: [http://tillers.net/fi-course/fi-home.html](http://tillers.net/fi-course/fi-home.html).  
This course was formerly known as Fact Investigation; it is not open to students who took it under the former title.

**Fact Investigation II**  
Professor: Tillers  
Credits: 3 (2 academic, 1 clinical)  
Pre-requisite: Fact Investigation I  

This course, which may be offered as a tutorial, is a continuation of Fact Investigation I. In this course students complete one of the investigations begun by the members of the previous semester's course in fact investigation. Although this course and the previous semester's course in fact investigation have some common objectives and themes, this course differs in important ways from its predecessor. In this course, there is a greater emphasis on sources of evidence apart from databases and public records; for example, there is a greater emphasis on witness interviews and on formal discovery such as depositions. More generally, this semester there is less emphasis on exploratory investigation and more emphasis on bringing an investigation to a successful conclusion. For this reason, close attention is given to the relationship between (i) decisions and steps during investigation and (ii) matters such as (a) the legal requirements governing the admissibility of evidence in settings such as trials and (b) the persuasiveness of evidence submitted to a trier of fact or audience such as a judge, a jury, a legislative committee, a corporate executive, or the public.
**Family Court Clinic/Seminar**  
Professor: Schechter  
Credits: 4 (2 clinical, 2 academic)  
Open only to students selected through the clinic application process.  
Pre/Corequisites: Family Law (either as a pre- or co-requisite)  
Open to JD and LL.M. students who have been selected through the clinic application process.

The Family Court Judicial Clinic is a one-semester program, providing students an opportunity to combine classroom learning with a clerkship with a judge of the New York Family Court. The goals of the program include teaching students the basics of Family Court practice, while encouraging critical thinking about the governmental and jurisprudential policies that underlie New York family law and procedure. Students will earn clinical credit working as a law clerk for a Family Court judge within New York City. Students will be required to keep a journal of their internship experience, to submit a 10-page paper on a topic related to Family Court practice, and to make a presentation to the seminar on the topic of the paper. Professor Schechter was a judge in the New York Family Court for over 25 years, and was the presiding judge of the Model Court Project in the Manhattan Family Court.

**Family Law**  
Professor: E. Stein, David, Maldonado, Collins  
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.

**Family Law Practice**  
Professor: Siegel  
Credits: 1 or 2  
Pre or Co-requisite: Family Law

This course will cover the practical aspects of the divorce process from the initial client interview to closing argument at trial. While the emphasis of the course will be on the divorce process, Pre-Nuptial and Post-Nuptial agreements will also be covered. Among the topics to be discussed are: building a family law practice; discovery; motion practice; experts; ethics; preparation of witnesses; assisted reproductive technology and trials from A to Z. Grades will be based upon class participation (20%), written assignments - consisting of a marketing document, client letter, separation agreement article and deposition outline (20%) and a
final exam (60%). Leading experts in the field of domestic relations will also be making appearances in the class as guest speakers.

**Fashion Law**
Professors: Kolsun/Sporn  
Credits: 2  
Pre or 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**
Professors: Kolsun/Sporn, Kolsun  
Credits: 2  
Prerequisite: Trademark

Fashion law is the business law specialty that deals with the everyday problems and legal issues of fashion and apparel companies, including their retail operations. The course will address intellectual property issues including searching, filing and enforcement of trademarks, fashion and apparel licensing, employment law and agreements, consulting agreements, and retail leasing. The class will focus on drafting key documents used in the fashion business including letter of intent for commercial retail store leases, term sheet for license agreement, opinion letter on intellectual property issues and consulting agreement.

**Please note:** This class is permission-only. Interested students should send a one-page statement explaining their interest in taking the course to Professor Kolsun at barbarako@stuartweitzman.com. Please put “Fashion Law Drafting Application” in the subject line of your e-mail. Applications are due by Noon on Friday, December 6th.
Fashion Law Practicum
Professor: Sporn
Credits: 2 (1 academic, 1 clinical)
Prerequisite: Fashion Law or Fashion Law Drafting

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.

Please note: This class is permission-only. Interested students should send: 1) a copy of the student’s resume, 2) a current unofficial or official transcript (including fall 2013 classes), and 3) a statement of interest not to exceed one page double-spaced with 1” margins to Professor Sporn at lee.sporn@michaelkors.com. Please put “Practicum Application” in the subject line of your email. Applications due by Noon on Friday, December 6th.

Federal Civil Rights Law
Professor: Gilles, Adams
Credits: 3
Pre/Corequisite: None. Prior course work in Constitutional Law or Federal Courts is recommended, but not required.

This course will consider the interpretation and effect of significant federal civil rights legislation. We will begin with the Reconstruction statutes, 42 U.S.C. Sections 1981, 1982, 1983 and 1985, with particular focus on Section 1983. We will study the following issues in some detail: constitutional and non-constitutional rights enforceable under Section 1983, types of immunity defenses, governmental liability, and attorneys’ fees. We will then examine the civil rights legislation enacted during the 1960’s and 70’s, with particular focus on Titles VI and VII of the Civil Rights Act of 1964 and Titles IV and IX of the Education Amendments of 1972. Finally, we will consider more recent civil rights statues, including the Americans With Disabilities Act. The course will conclude with a discussion of the future of civil rights law in relation to the war on terror, immigration, sexual orientation, and other current and controversial intersections.

Federal Courts
Professor: Adams, S. Stone
Credits: 3
Pre/Corequisite: None

Role of the federal courts within our federal system, with emphasis on the nature of the federal judicial function, congressional control of federal and state judicial power, Supreme Court review of state court decisions, and the scope of district court jurisdiction.
Federal Criminal Litigation Field Clinic/Seminar - Southern District of New York  
Professor: Echenberg/Frey  
Credits: 4 (2 clinical credits for the field placement; 2 academic credits for the co-requisite seminar)  
Corequisite: Field Clinic Seminar; Open only to JD and LLM students who have been selected through the field clinic application process.  

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  
Professor: Cunningham, Engler, Zelinsky  
Credits: 4  
Pre/Corequisite: None  

This course introduces the student to the basic conceptual issues underlying the income tax. Topics discussed include inclusions and exclusions from income, gains and losses, accounting methods and other timing issues, and nonrecognition provisions. It is recommended that students take this course before taking other tax courses; the course is a prerequisite to Corporate Tax, Partnership Tax, and the Tax Clinic.

Federalism Seminar  
Professor: Hamilton  
Credits: 2  
Prerequisites: Constitutional Law I  

The Constitution rests on a fundamental belief in the need for separation of powers in all spheres to avoid abuses of power by individuals. In addition to the separation of powers among the three branches of the federal government, the Framers also divided power between the states and the federal government. (They also divided power between church and state, but that is another seminar.) This seminar will explore the means employed by the United States Constitution to
create separate, co-sovereigns; select theories of federalism in the United States and elsewhere; and how the states and federal governments interact.

The seminar will require class participation; a class presentation; and a paper (including a topic proposal and a draft).

**Financial Management in Nonprofit Organizations**
Professor: Green, McMillan  
Credits: 2  
Pre/Corequisite: None

The primary objective of this course is to enhance students’ understanding of financial management principles relating to decision-making in nonprofit organizations, including common and unique analysis tools and techniques as they are applied to this distinct environment. The first half of the course focuses on planning and budgeting, to gain an understanding of how resources are allocated to both short-term and long-term objectives, as well as monitoring performance, and adjusting plans and expectations. In addition, we discuss fraud issues and concerns, and various other topics including IRS and state regulatory issues. The second half focuses on information found in nonprofit financial statements. We review the accounting and transaction recording process, the presentation of accounting information, terminology, and the ways this data can be used to provide meaningful conclusions about the financial position and performance of a nonprofit operation and its programs. Particular attention is paid to how this information is communicated to and used by non-financial managers.

**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.**

**First Amendment**
Professor: Hamilton, Weisberg  
Credits: 3  
Pre/Corequisite: None. Students who have taken Constitutional Law II with Professor Hamilton are urged not to take this course due to a fair amount of duplication.

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.
Professor: Fish  
Credits: 3  
Pre/Corequisite: None.

This course will survey major cases in both the Free Expression Clause and the Religion Clause of the First Amendment. Readings of cases will be supplemented by important theoretical perspectives offered by distinguished legal theorists. The emphasis will be on discussing the issues underlying the arguments in a particular case, issues of which the Justices may or may not be aware. There will be four required papers 2,500-3,000 words each. These papers will analyze one or more cases from the day's reading and will unpack or lay bare the investments and arguments driving the case or cases. **Papers should be handed in at the beginning of the class in which the materials you are analyzing will be discussed.** Two papers are due before October 20th and two are due after that date. They cannot be summaries of what the Justices say in their opinions. In addition, there will be six or more unannounced short essay-quizzes designed to test students' ability to see what is going on below the surface of the case.

**First Amendment Theory**  
Professor: Weisberg  
Credits: 2  
Pre/Corequisite: None

This seminar explores the historical and theoretical backdrop to the US Constitution's First Amendment. We will also place the understanding of both speech and religion in a comparative context, examining the quite conflicting approaches from Canada, the UK, China and other legal cultures. We will explore such questions as why speech is privileged in the US, what it means to have free exercise of religion when there is also a ban on the intermingling of church and state, and how speech and religion issues intersect. Our readings include essays, short histories, and judicial opinions from the US as well as elsewhere.

**Forensic Evidence**  
Professor: Cooley  
Credits: 3  
Pre/Corequisite: None; Recommended: Evidence

The course is designed to prepare would-be attorneys how to effectively present, confront, and attack non-DNA forensic identification evidence either at trial, on appeal, or in state and federal post-conviction proceedings. The course will cover five issues. First, the different objectives of science and law and how these differences create legal and ethical complexities for prosecutors and defense attorneys. Second, the admissibility standards courts have used to admit or exclude scientific evidence, highlighting the pros and cons of each admissibility standard. Third, forensic science’s impact on the criminal justice system, such as the system’s reliance on forensic evidence, wrongful convictions, and the CSI-Effect. Fourth, the legal and scientific issues regarding the following forms of forensic identification evidence: (1) bite mark identification; (2)
fingerprinting; (3) firearms identification; (4) tool mark identification; and (5) burn pattern analysis. Case studies – including those from the Innocence Project – will be used to address the numerous scientific and legal issues regarding these forms of forensic evidence. Fifth, the various constitutional issues prosecutors and defense attorneys face when obtaining, preserving, disclosing, presenting, and attacking forensic identification evidence.

**Forensic Psychiatry and Psychology**

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 and may be enhanced to qualify for writing credit.

**From Socrates to Dr. Spock: Treason, Sedition and Protected Speech**

Professor: Rudenstine, Rudenstine/Abella  
Credits: 2  
Pre/Corequisite: None

Before focusing on traditional United States legal doctrine pertinent to treason and sedition, the course will take a brief Olympian view of celebrated historical cases involving speech that some perceived as threatening social order (e.g. Socrates, Jesus, Joan of Arc, Galileo) so as to enhance perspectives on the power of speech and the powerful inclination to censor powerful speech. The review of U.S. treason and sedition law will combine a nod towards historical landmark cases while emphasizing post World War II legal developments. Although the two credit seminar will have a final examination, the seminar may be used to satisfy the upper level writing by adding a third credit as an independent study with David Rudenstine.

**Fundamentals of New York Law**

Professor: Fromm  
Credits: 2  
Pre/Corequisite: None

This course will help students improve in both the skills and substantive knowledge needed to be successful on the multistate bar exam. In addition, the course will focus on key items in heavily
tested areas of the state portion of the New York Bar Exam. The course will cover the various skills needed to successfully answer both essay and answer multiple-choice questions. Course materials will include: outlines, issue-spotting exercises, and sample multiple-choice and essay questions. Students will receive both a midterm and a final exam, offering both multiple-choice and essay questions. This course is open only to LL.M. 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.

Gender, Sexual Orientation, Law & Bioethics
Professor: E. Stein/Powell
Credits: 2
Pre/Corequisite: None

This course will investigate the intersection of law, medicine, ethics and theory as they relate to gender, gender identity, and sexual orientation. We will examine US legal decisions regarding gender and sexuality; scientific and psychological theories about the development of sexual orientation, gender, and gender identity; and a range of government practices, including military policies regarding soldiers and sexuality, marriage, and reproduction. We will examine historical approaches and current controversies involving sex assignment and surgery for intersex newborns. We will also look at past and current psychiatric theory and practice and investigate the evolution of ideas about gender presentation, sexual orientation, and pathology. We will approach these topics using a wide range of sources, including legal cases, historical
scholarship, medical and scientific texts, and works of fiction. No prerequisites. Grades will be determined by class participation and a final paper. This course is writing credit eligible and satisfies distribution requirement 4.

Global and Comparative Public Law Theory
Professors: Rosenfeld/Weiler/Kumm
Credits: 2
Pre/Corequisite: None

This legal theory colloquium will be directed by Professor Michel Rosenfeld of Cardozo School of Law and Professors Joseph Weiler and Mattias Kumm of the NYU School of Law.

The colloquium will feature speakers from law (coming from U.S and foreign law schools), philosophy and political science who will discuss cutting edge issues confronting constitutionalism and constitutional governance in an increasingly intertwined legal universe confronting globalization and legal pluralism. Does globalization lead to internationalization of constitutional law? To constitutionalization of international law? How are fundamental constitutional rights affected by international human rights conventions and covenants? How can a plurality of legal regimes yielding some conflicting and contradictory legal obligations be reconciled in the absence of a unitary hierarchical transnational constitutional regime analogous to the typical nation-state constitution?

These questions and others that stem from recent changes will be addressed from an interdisciplinary and comparative perspective.

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.

**Governing in the Electronic Age**
Professor: Herz
Credits: 2
Pre/Corequisite: None; Recommended: Administrative Law

New technologies – mobile computing, social media, the Internet – have affected how just about every institution of modern life goes about its business. Government is no exception. This seminar will consider various ways in which administrative agencies are using new technologies, either to do new things or to perform old tasks in new ways. The focus will be on the regulatory sphere rather than on law enforcement. Potential topics include open data and big data, electronic rulemaking, agency web sites, agency uses of social media, transparency and open government, how the Freedom of Information Act works in an electronic world, prizes as an alternative to regulation or patents, possible governmental uses of crowdsourcing, and use of collaborative software such as wikis or Github (for example, for legislative drafting).

Each student will be required to make a brief presentation on a particular agency use of technology. Grades will be based on the final paper (65%), class participation (25%), and the presentation (10%). The paper can be used for writing credit. Administrative Law is recommended but not required.

**Guardianship Clinic and Seminar**
Professor: Rebekah Diller
Credits: 5 credits (3 clinical + 2 academic) for the semester
Pre/Corequisite: None
Open to JD and LL.M. students who have been selected through the clinic application process.

New York, like other states, provides a court procedure for the appointment of “guardians” for individuals who have physical or mental impairments that prevent them from handling their property management and/or personal needs. The serious problems with the guardianship system get only occasional attention. The attention typically follows a scandal where there has been theft of the funds by a guardian, often accompanied by news of neglect of the incapacitated person’s well-being. Other problems exist, but are less well known, particularly where the problems involve poor people. The cases present fascinating issues involving civil rights, family, health and elder law, as well as traditional guardianship law.
Students at this in-house clinic will work approximately 15 to 20 hours weekly on cases representing individuals seeking or opposing guardianships and providing legal representation to guardians seeking to navigate the problems of assisting their wards. Students also will represent clients in related elder law and special needs matters as a way of promoting alternatives to guardianship. In addition to individual representation, the clinic has a “law reform” agenda, and seeks through litigation and other advocacy to expand alternatives, improve access, and tighten guardian accountability. Students in the clinic will have an opportunity to interview clients and witnesses, do fact investigations and legal research, draft documents, appear in court proceedings, and work on policy reform projects.

The seminar accompanying the clinic meets weekly throughout the semester, and provides an intensive introduction to guardianship law and the legal problems faced by older and disabled clients. The seminar also covers interviewing, client counseling, fact development, courtroom skills, and strategies for law reform.

**Health Care Reform Field Clinic and Seminar**
Professor: D. Silva
Credits: 4 (2 clinical credits for the field placement; 2 academic credits for the co-requisite seminar)
Corequisite: Field Clinic Seminar; Open only to JD and LLM students who have been selected through the field clinic application process.

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.

**Hedge Fund Law**  
Professor: Wellner  
Credits: 2  
Pre/Corequisite: None

This course will give students an opportunity to learn about the formation, structure, and regulation of hedge funds, as well as the typical legal issues encountered by hedge funds and their investors in litigation. The seminar will help students more comfortably interact with hedge funds as attorneys in private practice, regulators, prosecutors, or employees. As hedge funds and their investment managers are a significant client base for law firms in the New York metropolitan area, a familiarity with the unique legal issues they involve would be helpful for any student planning to work in the transactional or litigation department of a New York law firm. Similarly, as the investment banks in New York count hedge funds as a significant part of their client base, and many manage hedge funds of their own, a familiarity with the legal issues relating to hedge funds would be useful for students hoping to practice law in-house at one of these institutions.

**Hegel’s Logic**  
Professor: Carlson  
Credits: 2  
Pre/Corequisite: None

This course covers Hegel’s *Science of Logic*. Hegel represents the height of German idealist philosophy, and his work is the cornerstone of continental philosophy. The term “logic,” however, is misleading. What is at stake in the *Science of Logic* is metaphysics. Hegel shows how the concept of “being” implies the concept of “nothing,” which in turn implies that all beings are finite. Being is shown to be related to quantity, measure, and measureless essence. Every category points to a yet more advanced category.

The course encounters the *Science of Logic*, an extraordinarily difficult work. Jurisprudential ideas are interlaced throughout, but the emphasis in the course is heavily on straight Hegelian philosophy. Besides the *Science of Logic*, commentaries by the instructor, including a pictographic system describing every logic move Hegel makes, will be supplied.

**Heyman-ACCA In-House Counsel Externship Program**  
Professor: Rebecca Rosenfeld  
Credits: 2  
Pre/Corequisites: Corresponding Externship Seminar

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.

**History of Western Law**  
Professor: Burgess  
Credits: 3  
Pre/Corequisite: None

This course examines the historical foundations of western legal theory and practice from antiquity to the modern period. Themes include the relationship of sovereign and citizen/subject, the evolution of the trial, criminality and justice, natural law, and the development of constitutional and civil forms of law.

**Holocaust Restitution Claims Practicum**  
Open only to students selected through the clinic application process.  
Professors: McCallion and Roussin  
Credits: 1 (clinical), plus corequisite seminar worth 2 academic credits.  
Corequisite: Remedies for War-time Confiscations  
Pre or Co-Requisite: International Law

The Holocaust Restitution Claims Practicum offers an opportunity for students to make a contribution to the world-wide effort to resolve legal claims regarding bank accounts, insurance and other assets looted during World War II. Selected students provide pro bono legal assistance to claimants. Placements have included the New York State Holocaust Claims Processing Office, the Holocaust Assistance Project of the New York Legal Assistance Group and other agencies handling the claims of Holocaust victims. The commitment is ten hours per week for one clinical credit and a two-credit corequisite seminar.

**Housing and Real Estate Development (New School)****  
Professor: Larson  
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.

**Housing Rights Clinic**
Professor: Baldacci
Credits: 3
Corequisite: Housing Rights Seminar
Open only to JD students admitted through the Clinic application process

The Housing Rights Clinic provides a one-semester intensive lawyering experience in various areas of Housing Rights litigation and public policy. Increasingly, both U.S. and international law is coming to recognize that Housing Rights should include not only the right to habitable and affordable housing, but also the right to representation in order to defend against eviction from one’s home. Interns in this Clinic will primarily represent people facing eviction from their homes and, in some cases, assist persons in obtaining repairs at their residences. Interns will also assist in providing advice to unrepresented litigants in Housing Court and may work with the Clinical Supervisor on housing law reform projects.
**Housing Rights Litigation Seminar**
Open only to JD Students Admitted to the Housing Rights Clinic
Professor: Paris R. Baldacci
Credits: 2
Corequisite: Housing Rights Clinic; open only to students in the Housing Rights Clinic

This seminar explores substantive and procedural housing-related law, particularly as it relates to the Clinic’s cases, and with ethical issues that arise in the context of housing litigation and representation. Interns will conduct a simulated trial presided over by a current Housing Court Judge.

**Human Rights & Genocide Clinic**
Professor: Rosenberg
Credits: 5 (3 clinical, 2 academic)
Pre/Co-requisite: a background in International or Human Rights law. Open only to students accepted through the clinical application process.

The Human Rights and Genocide Clinic (“Clinic”) affords an excellent opportunity to students interested in international human rights law.

In the global environment we live in, legal issues stand at the intersection of domestic civil rights law and the developing law of international human rights. Joining the ranks of only a handful of human rights clinics in the country, the Cardozo Human Rights and Genocide Clinic founded in the spring of 2005, introduces students to the practice of law in the trans-national setting of international human rights litigation and other forms of human rights advocacy. 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 to the diverse ways in which the law is utilized to advance social change particularly in the area of genocide prevention. Genocide prevention necessarily requires an understanding of its roots including intolerance, racism, discrimination, and the denial of minority rights. Accordingly, the Clinic will engage students in a broad spectrum of human rights advocacy, including close attention to minority rights, and international criminal and humanitarian law.

Each student will be expected to work on one or two actual human rights case projects. Often the Clinic will partner with United Nations Agencies, Non-governmental organizations, and public interest law firms. As a general rule, Clinic cases and projects will fall into three 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 victims rights in the criminal prosecution process.

The Clinic class will meet twice weekly. The first weekly session, organized as a 2 hour seminar, will provide a critical analysis of the legal framework relevant to the case work in the area of human rights, minority rights, and humanitarian law. Visiting experts will address the clinic on advocacy skills within their expertise.

The second session each week will be for 1 – 2 hours of case conferencing. It will be a time to work on cases with team members under clinical supervision. These sessions will provide the opportunity to discuss human rights law concepts and lawyering practice, and the legal, strategic, ethical and theoretical issues raised by the case work.

**Human Rights & Genocide Clinic, Advanced**
Professor: Rosenberg  
Credits: 4 credits (2 clinical + 2 academic) for the semester  
Prerequisite: Human Rights and Genocide Clinic or significant course work in international law, or significant experience in public international law including asylum law.

The Advanced Human Rights and Genocide Clinic allows students who have taken the Human Rights Clinic or who have a background in international human rights law and/or practice further to develop their skills in - and knowledge - of the practice of law in the trans-national setting of international human rights litigation and other forms of human rights advocacy. The overall objective of the Advanced Clinic is to allow you to deepen your 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.

**STRUCTURE**
The clinic meets once a week in a two-hour weekly seminar that blends the study of doctrinal law with our case work. During the two hour seminar we will engage in a critical analysis of the legal framework relevant to your case-work in the areas of international human rights, group rights, international criminal law, asylum, and humanitarian law. These seminars include doctrinal study of the law as well as practical lessons on how to utilize the law in different regional and international forums.

Each student will be expected to work on one actual human rights/asylum case project. Projects are designed to give you practical experience with the range of activities in which lawyers engage to promote respect for human rights and group rights; to integrate the theory and practice of human rights; and to help you gain the skills and knowledge necessary to be effective human rights advocates or to understand the “human rights” perspective relevant to many areas of law practice.
The cases involve a range of human rights advocacy. In coordination with the United Nations offices both here and abroad and Non-Governmental Organizations such as, for example, Human Rights Watch, students will prepare and conduct litigation before regional and international human rights forums, engage in research and analysis of human rights mechanisms and protections afforded in post-ethnic conflict countries, work with international criminal law tribunals on cutting edge legal issues, and engage in interdisciplinary empirical studies on the impact of human rights abuses.

**Human Rights in Law, History & Philosophy**
Professor: S. Stone  
Credits: 2  
Pre/Corequisite: None

Human rights offers a moral and political vision of global justice obligating the international community to uphold and protect the dignity of each person. But where did this vision come from? Recent histories of the idea of human rights trace its emergence alternatively to Greek philosophy, the Hebrew Bible, European natural law, early modern philosophers, democratic revolutionaries, horror against slavery and the Holocaust, or the collapse in the 1970s of other utopian political visions, including nationalism and communism. In looking at the history and philosophy of human rights, we will focus on two key tensions: the first, between religion and human rights and the second between the state as the guarantor of the rights of citizens and the world community as the guarantor of the rights of individuals over and above the sovereign state.

**Humanitarian Intervention**
Professor: Di Lellio  
Credits: 2  
Pre/Corequisite: None

This course addresses the legal, political and ethical questions that arise from humanitarian intervention. Contemporary events and the growing internationalization of human rights legislation can pose a serious challenge to existing legal and political notions of state sovereignty and war, as the debate on the 1999 NATO bombing campaign against the Former Republic Yugoslavia (today Serbia and Montenegro) amply demonstrates. In that case, NATO's intervention and its aftermath tested the post-Cold War world's growing consensus on human rights as a normative framework for both the claims and obligations of individuals and states. We will give particular attention to those issues, among others drawn from recent conflicts, including Bosnia and Herzegovina, Rwanda and Iraq.
** 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.

Immigration Justice Clinic  
Professor: Ginsberg/Markowitz, Ginsberg/Gottlieb, Markowitz/Tinto  
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

The Immigration Justice Clinic is a year-long intensive live-client clinic in which students represent immigrants facing deportation in the federal immigration courts and in the Second Circuit Court of Appeals. The clinic’s docket focuses on immigrants facing deportation because of encounters with the criminal justice system. In the cases before the immigration courts, students may have the opportunity to conduct trials, examine witnesses, and draft and argue motions. In the cases before the Second Circuit, 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 of the Second Circuit. 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 attorney and full-time member 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 and procedures affecting our clients.

Immigration Law  
Professor: Kim  
Credits: 3  
Pre/Corequisite: None

This course surveys immigration law and policy in the United States. It explores questions relating to the meaning of U.S. citizenship, the circumstances under which newcomers are permitted to enter the U.S., and the circumstances under which they may be forced to leave. Students will interpret complex statutes within the context of a dynamic interplay between Congress, administrative agencies, and the courts. We will also place current laws in their historical, social, and political contexts.
Professor: Gottlieb  
Credits: 2  
Pre/Corequisite: None

This course will provide an overview of the immigration, naturalization and nationality laws of the United States, exploring the American immigration system from historical, constitutional, statutory and policy perspectives. Coverage will include the immigrant (permanent resident) visa system; nonimmigrant (temporary) visas; removal (deportation and exclusion); citizenship; refugees and asylum; immigration detention; and other administrative and constitutional issues in the context of substantive immigration and nationality law.

Professor: Leon Wildes, Michael Wildes  
Credits: 2  
Pre/Corequisite: None

Current development in the immigration, naturalization and nationality laws of the United States, probing the conflicting purposes of U.S. immigration policy and testing the limits of judicial review; racial and geographic quotas; categories of visas; arrest, detention, exclusion and expulsion of aliens; significant issues as to aliens’ rights; current issues in political asylum, including the Haitian Interdiction Program; denaturalization of former Nazis; other administrative and constitutional issues in the context of substantive immigration and nationality law.

Professor: Shannon, Wheeler  
Credits: 2  
Pre/Corequisite: None

This course will provide an overview of the immigration, naturalization and nationality laws of the United States, exploring the American immigration system from historical, constitutional, statutory and policy perspectives. Coverage will include the immigrant (permanent resident) visa system; nonimmigrant (temporary) visas; removal (deportation and exclusion); refugees and asylum; worksite enforcement, border security and undocumented immigrants; acquisition, and loss, of citizenship; national security issues related to immigration; ethical issues; and other administrative and constitutional issues in the context of substantive immigration and nationality law.

**Immigration Law, Advanced**  
Professor: Jadwat  
Credits: 2  
Prerequisites: Immigration Law (waivable with special permission of the instructor)

This two-credit seminar will explore several immigration-related topics that are currently the focus of debate in Congress, the courts, and state and local legislatures. The course will address
topics involving the rights of non-citizens both inside and outside of the federal immigration system, including novel immigration enforcement initiatives and the rise of state and local immigration legislation. The primary aim of the seminar is to expose and grapple with the questions of constitutional, administrative, and international law underlying recent or proposed laws and policies in the selected areas. In addition to these substantive legal issues, we will discuss some of the practical and strategic considerations faced by lawyers working in this field.

**Immigration Law Clinic Externship**
Professor: Wildes
Enrollment limited to second and third-year students chosen through the clinic application process, and selected LL.M. students.
Credits: 2 clinical
Pre or Co-requisite: Immigration Law

Students are eligible to obtain clinical training in one of a number of organizations under the supervision of an immigration attorney. Students have been placed with the U.N. High Commissioner for Refugees, Human Rights First, A.C.L.U., the Hebrew Immigrant Aid Society (HIAS), the Legal Aid Society, and the U.S. Catholic Conference Migration and Refugee Services. Most of the students work on cases involving political asylum. They deal directly with the applicants under the supervision of an attorney, making use of any foreign languages they speak. Students assist in the drafting of applications and the substantiation of claims as to persecution abroad for reasons of race, religion, nationality, membership in particular social group, or political opinion. Others work on other types of immigration and citizenship benefits, such as permanent residence, change of status, and cancellation of removal, briefs in support of such applications, and related legal research. The clinic is offered in both fall and spring semesters.

**Immigration Law Field Clinic and Seminar**
Professor: Shannon
Enrollment limited to JD and LLM students chosen through the clinic application process.
Credits: 4
Pre or Co-requisite: None

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:

- 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**
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 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
Professors: Crowell/Morrison
Credits: 3 (1 clinical, 2 academic)
Pre or Co-Requisite: Copyright; Co-Requisite: Corresponding Externship Placement
One-semester clinic; Open only to JD and LLM students who have been selected through the clinical application process.

The Independent Film Clinic at Cardozo is a transactional legal clinic which provides free legal services to student filmmakers and smaller budget independent and documentary filmmakers producing on location in New York. 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 on legal issues related to independent film production. Students will get hands-on experience issue-spotting filmmaker-client needs and drafting production contracts and other transactional documents under the supervision of the clinic staff and faculty. Although both the clinical work and the discussion topics for 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.

Information Governance Law
Professors: Backhouse/Burke
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. You 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 teaching students a strong foundation in this rapidly-evolving area of practice, this course will position students to take advantage of the many and varied professional opportunities opening up in this area.

Evaluation: Weekly reading will be assigned. Students’ grades will be determined based on their class participation, written work, class presentations, effectiveness in end-of-semester role-play, and performance on a multiple-choice final examination.
Innocence Project - Forensic DNA Testing and Post-Conviction Relief  
Professor: Scheck et al.  
Open only to JD students  
Pre- or Co-requisite: Criminal Procedure  
Credits: Full-year clinic, 5 credits per semester (3 clinical, 2 academic) plus 1 credit for summer component. Open only to students selected through the clinic application process.

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.

Insurance Law  
Professor: Sebok, Collier  
Credits: 2 or 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  
Professor: Wu/Frischmann, Wu  
Credits: 2 or 3  
Only open to those students selected through the application process.

In the Spring 2014 semester, Professor Felix Wu will teach an advanced Intellectual Property and Information Law Colloquium. For the Colloquium, Cardozo Law School will host six distinguished intellectual property and information law scholars to discuss their scholarship with faculty, practitioners, and a select group of Cardozo students, the Cardozo IPIL Colloquium Fellows. For those students who are selected, the Colloquium offers an excellent opportunity to engage deeply with cutting-edge scholarship and participate in discussions with faculty from Cardozo and elsewhere.

The six distinguished scholars for Spring 2014 are:
Student Fellows will enroll in a seminar that meets weekly on Mondays, from 4:00 p.m. – 5:54 p.m. The visiting scholars will present papers during six class sessions. In the class session prior to each presentation, Professor Wu will discuss with the students the paper to be presented, together with relevant background materials, in a conventional seminar setting. These “pre-presentation” sessions will provide students with the background necessary to engage with the speaker and give students an opportunity to develop skills for constructive interrogation and critique of scholarship.

Fellows 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 may 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. Professor Wu will select Colloquium Fellows based on academic achievement, relevant experience, and a demonstrated interest in exploring intellectual property and information law scholarship. The application is described below, and must be submitted by 5:00 p.m. on November 11, 2013.

Eligible Students: Second- and third-year J.D. students, and LL.M. students.

Application: (1) Cover sheet
(2) Law school transcript (cut-and-paste is fine)
(3) Resume
(4) Essay, responding to the following: Describe a current problem in intellectual property or information law and one idea about how courts or Congress ought to respond to the problem. The essay should be no longer than 2 pages, double-spaced in 12-point font.

Application Deadline: November 15, 2013, 5:00 p.m.
Send Application to: Professor Wu, via email at: felix.wu@yu.edu
Subject: IPIL Colloquium Application

Intellectual Property Externship
Professor: Various
Credits: 2
Pre/Corequisites: Please see the requirements as outlined in the application materials distributed by Becky Rosenfeld, Director of the Externship Program.

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 Business and Transactional Law
Professor: Shelden
Credits: 2
Prerequisite for JD students and co-requisite for LLM students: Copyright Law, Trademark Law, or Patent Law, or permission of the instructor.

This course will examine the role of intellectual property in various transactions and the role of the practitioner in helping clients obtain, enforce, and leverage intellectual property rights. We will pay special attention to how intellectual property functions in the context of acquisitions, creative ventures, securitizations, and other deals, and in so doing we will examine the purpose and anatomy of relevant agreements, including license and assignment agreements, waivers and releases of rights of personality and other intellectual property rights, and provisions dealing with intellectual property assets in purchase and security agreements. This course aims to provide a general overview of the role of the transactional attorney, and accordingly we will consider the practical dynamics of drafting and negotiating agreement terms. We will also analyze practices and procedures relating to clearance, prosecution, and policing of trademarks and copyrights. Grading will be based upon a take-home examination and class participation.

International Black Social Movements
Professor: Hayes
Credits: 2
Pre/Corequisite: None

Black social movements consistently challenge the marginalization of communities of African descent. In the process of contesting the legitimacy and consequences of physical terror, economic exploitation and cultural misappropriation endured by their communities, social movements throughout the African diaspora have created many of the philosophies, repertoires of collective action and aesthetic traditions that lay at the core of our understanding, and
imagination, of black life and political dissent. As this course unfolds, we will closely examine the work of black social movements, which envisioned a global society in which all people possessed freedom, justice and self-determination. Through our research, readings and class discussions, we will interrogate both the iconography and vilification of black social movements and their impact on race and politics today.

** 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.

**International Business Transactions**
Professor: Chekroun  
Credits: 2  
Pre/Corequisite: None

At the heart of the debate over globalization and the financial crisis are the international trade and finance transactions that have become the center of much economic activity across the world. We will analyze the legal regimes that shape this trade in United States, international and foreign law systems in areas such as international sales contracts, customs law, trade regulation, comparative corporate governance, foreign corrupt practices, extraterritorial regulation, 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**
Professor: Pew  
Credits: 2  
Pre/Corequisite: None

A consideration 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. In conjunction with this course, the International Commercial Arbitration Practicum course is also offered for a limited number of students for a hands-on international commercial arbitration experience including the possibility to compete in the Vis International Moot competition in either Vienna or Hong Kong.

For those that are really interested in the subject, the International Commercial Arbitration
Practicum is recommended. Practicum students have a chance to participate in the annual Vis International Moot competition in Hong Kong or Vienna. (For more information, see the International Commercial Arbitration Practicum description below.)

**International Commercial Arbitration Practicum**
Professor: Pew
Credits: 2 per year (1 each semester)

Pre/Corequisites: All students must take International Commercial Arbitration either before or concurrently with the first semester of the Practicum, or seek a waiver from the instructor. Only students who were enrolled in the Practicum course in the Fall may re-enroll in the Spring. This year-long course will consist of sixteen students working together as a “corporate law firm” to draft two memoranda (Claimant and Respondent) in response to a “case” prepared for the annual international Vis International Moot competition. In preparing the memoranda, the students will gain insight into practicing international commercial arbitration and trade law. The “case” usually involves issues of international arbitral jurisdiction, arbitral panel authority, and interpretation and application of various international commercial treaties (i.e. U.N. Convention on Contracts for the International Sale of Goods, UNCITRAL Model Law, UNIDROIT). Students should preferably enjoy working with contracts and international authorities and are required to have already taken the survey course (International Commercial Arbitration) or must take it concurrently with the Practicum during the Fall semester. Strong research, writing and oral skills are also preferred.

The course will culminate with the selection of two, four-member teams (to be selected sometime during the middle of the Spring semester) to compete in the annual Vis Moot Court competitions held in Hong Kong and Vienna against 170+ law school teams from around the world. The law school will fund travel and living expenses up to a set amount. Those students not selected to compete in Vienna or Hong Kong will still be involved in the preparation for the competition.

*Please note that about half the Practicum classes will meet on Sundays, on dates that will be announced well in advance by Professor Pew.*

**International Dispute Resolution**
Professor: Baker, Bryan
Credits: 2
Pre/Corequisite: None

This course introduces students to the theory and practice of resolving international commercial disputes. The course will compare and contrast the benefits and drawbacks of international litigation, arbitration, and mediation as means of resolving disputes between private parties from different countries and between private parties and governments. Students will participate in a simulated cross-cultural arbitration and mediation, and will view audio-visual materials demonstrating international mediations and arbitrations. In addition to covering the law
governing international litigation, arbitration, and mediation, there will be an emphasis on the practical, how-to aspect of conducting such proceedings.

**International Environmental Governance (New School)**
Professor: Shomali
Credits: 2
Pre/Corequisite: None

International Environmental issues are quintessential public policy issues—due to the fact that so many environmental problems are “common pool resources” (such as air or water) that are transboundary, lack economic incentive to regulate, and require a collective and collaborative decision making instrument. In this course, we will analyze and discuss the effectiveness of the current international environmental regime; a non-binding voluntary mechanism (often signed but not ratified) that has been structured around solving the problem of climate change. We will also examine the earliest international environmental treaties (the UN Law of the Seas) and focus on the last 20 years since the Rio Earth Summit. Simultaneously, we will focus on local case studies, such as natural resource conflicts that have become human rights hotspots in the developing world.

Solving environmental problems often involves comparing international modes of environmental management. On a socio-cultural level, we will discuss the motivations and ethos that lead to progressive policy behaviors in other parts of the world; such as Bolivia’s formation of the Law of Mother Earth and Europe’s clash with the World Trade Organization over genetically modified foods. We will also explore the roots of American environmentalism and discuss its cultural impact and effectiveness when exported all around the world.

By the end of this class, students will learn how to translate climate science and international conventions/agreements for: environmental policy, advocacy writing and recommendations. Students will also become familiar with the ecological and human consequences of sea level rise and resulting salinization, global temperature rise, deforestation, droughts, unpredictable and erratic weather patterns such as the stronger storms that IPCC climate scientists equate with greenhouse gas emissions. Lastly, They will be able to identify the major stakeholders, NGO’s, the United Nations, the private and government players, while being mindful of the local communities that are on the frontline of natural resource-related disasters.

** 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. **
International Intellectual Property Law: Selected Topics  
Professor: Hughes  
Credits: 2  
Pre/Corequisites: JD students must have taken at least one of the basic IP courses (Copyright, Patent, Trademark), and additional IP coursework is strongly recommended. The course is open to all IP LL.M. students regardless of prior coursework. General LL.M. students are not eligible for this course.  

This seminar will be devoted to current debates, both domestic and international, in different areas of intellectual property. Topics will include (but not be limited to) geographical indications and trademark law; the research exception in patent law; IP enforcement and the WTO; patenting of scientific laws; “orphan works” and copyright law; the protection of plant varieties; and problems in music licensing for the Internet. The seminar will probably include guest speakers. Exam.

International Labor Movements (New School)**  
Professor: Adaba  
Credits: 2  
Pre/Corequisite: None

This Course will review and situate the global labor movement as an institutional force for social justice, social equity, decent livelihoods for all, and the upholding of fundamental human rights, both historically, and in the contemporary period. The Course will explore the labor movement’s interactions with the institutions of global governance, and global economic actors, in the furtherance of these basic societal objectives, (the International Labor Organisation, the United Nations, the International Financial Institutions, the World Trade Organization, the G20, Multinational Corporations).

** 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.

International Law  
Professor: Halberstam, Padmanabhan, Pan, Pearlstein  
Credits: 3 or 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 Organizations & Global Order (New School)**
Professor: Hoffman
Credits: 2
Pre/Corequisite: None

This course analyzes the role of international organizations in constituting and reconstituting world order. Although international politics is traditionally characterized as a state of anarchy, and sovereignty is considered paramount, no matter how powerful a state is, it cannot achieve all of its goals through unilateral action or in isolation. Therefore, in order to establish formal means of governance and stability, virtually every state participates in the organization and activities of international institutions. After outlining social scientific parameters of study and the major theoretical approaches, the class surveys the historical and political contexts that shaped the birth, behavior, and performance of international organizations—the early inter-state system, the 19th century, the wars and inter-war epoch of the early 20th century, the Cold War, the post-Cold War era, and the post-September 11, 2001 period. Types of international organizations explored include both those spatially defined (global, regional, and sub-regional), and those operating without mandates from states (non-governmental organizations and epistemic communities). A large component of the class will concentrate on the United Nations as it has become the centerpiece of world order, playing a pre-eminent role in issues of international peace and security, economic development, and human rights and humanitarian affairs. Themes to be examined encompass sovereignty, collective global goods, aggression, mass atrocities, poverty and the North-South divide, pollution and climate change, organizational reform, and power in world order. Over the course of the semester students will probe the nuts-and-bolts of the international organizations, develop their abilities to interpret their policies and practices, and connect the evolution of international organizations to patterns of change and continuity in world order.

** 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.
International Tax
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
Professor: Hughes
Credits: 2 or 3
Pre/Corequisite: None

This course will survey legal aspects of the international trade system. Topics will include tariffs and customs; quotas and non-tariff barriers to trade; “most favored nation” status; dumping and subsidies; GATT and the rise of the World Trade Organization (WTO); the integration of services and intellectual property into the global trading system; dispute resolution under the WTO; and the relationship of American constitutional jurisprudence to public international law. Grading is based on a take-home examination that will consist of at least one memorandum project analyzing an international trade dispute.

International Trade Regulation
Professor: Ruiz-Fabri
Credits: 2
Pre/Corequisite: None

The course is primarily concerned with the role and importance taken by the WTO system in the regulation of international trade, in the field of goods as well as services. For the main themes of this course, examples will be drawn from the Dispute Settlement reports and cases, including the procedural aspects, in order to acquaint students with the practice and challenges of international trade dispute settlement.

There is no prerequisite for this course which aims at giving a general overview of WTO law and of its various disciplines.

This class was formerly known as International Business Transactions; it is not open to students who took it under the former title.
International Trade: Theory, History, Policy
Professor: Lamoureux
Credits: 2
Pre/Corequisite: None

As technology reduces transportation costs and lowers barriers to globalized production, international trade policy grows in importance for all countries, rich and poor alike. This course will build on students' understanding of trade theory to develop a historical and empirical perspective on the economics of international trade. The course will also examine trade's institutional context, in order to give the background necessary to participate in contemporary trade policy debates. The course begins by tracing the development of trade theory as well as the history of institutional frameworks. These explorations will give the background necessary for a discussion of policy concerns, including, for instance, agriculture, industrial policy, intellectual property rights and trade in services, as well other issues such as the gender implications of trade policy and the rise of multinational corporations. The course will also develop the empirical skills needed to assess competing claims. This is an economics course which will build on material covered in other GPIA economics courses.

** 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.

Internet Law I
Professor: Wu, Frischmann, Crawford
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 Cyberlaw; it is not open to students who took it under the former title.

**Internet Law II**  
Professor: Crawford  
Credits: 3  
Pre/Corequisite: None; Please note that Internet Law I is not a prerequisite to Internet Law II

This class will cover special topics in cyberlaw, including First Amendment cases, telecommunications issues, and governance.

**Interviewing and Counseling**  
Professor: Salzman, Price, Dougherty  
Credits: 1  
Pre/Corequisite: None

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 Social Entrepreneurship**  
Professor: Kahane  
Credits: 2  
Pre/Corequisite: None

Societies worldwide are urgently seeking innovative approaches to addressing social problems that have not been satisfactorily addressed by government or the market place. In search of new solutions, a growing number of social entrepreneurs are developing novel strategies that often combine the strength of both the for-profit and nonprofit sectors to achieve significant social change. This course explores innovative, entrepreneurial approaches that address social problems within the United States and internationally and across diverse domains, such as education, economic development, the environment, health, and human rights. The course introduces students to key concepts associated with social innovation and social entrepreneurship and the steps in the entrepreneurial process: identifying an opportunity or social need, formulating a strategy to address the social problem, mobilizing resources and partners, managing growth, tracking results, and maximizing impact. We also examine the need for public policy to help develop and sustain these new activities and organizations. Cases, readings, and guest speakers advance our understanding of entrepreneurial social action in diverse contexts and the construction of new projects, organizations, and movements.
** 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.

**Introduction to U.S. Law I**
Open only to International LLM students.
Professor: Newman
Credits: 2
Pre/Corequisite: None

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. The course concludes mid-way through the semester.

**Israeli Law, Introduction to**
Professor: Martin
Credits: 2
Pre/Corequisite: None

The course is designed to introduce the student to Israeli law and the Israeli legal system. We will pay special attention to those areas where the Israeli law and system differ from the law and practice in the US.

The course will look at the legal aspects of creation of a state, the incorporation of religious law in a secular system, a different type of constitution, and the development of the Israeli Supreme Court into an "activist" court. We will also consider the more "standard" areas of Israeli law - such as contracts, torts and procedure.

All materials will be in English; a knowledge of Hebrew is not necessary.

The grade for the course will be based on class participation and a final paper that examines some aspect of Israeli law or the Israeli legal system using a comparative perspective.

**ITAP - Intensive Trial Advocacy Program**
See Trial Advocacy, Intensive Program
**Jewish Law**  
Professor: Bleich  
Credits: 3  
Pre/Corequisite: None

Origin, description, and development of Jewish law from Biblical times to the present; emphasis on principles and values reflected in the Jewish legal system; principal areas of that system.

**Jewish Law, Advanced**  
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.

**Jewish Law & Contemporary Legal Issues**  
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.

**Journal of Conflict Resolution**  
Open only to JD students  
Credits: Staff -- 1 per year; Board -- 2 per year  
Pre/Corequisite: None

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 International and Comparative Law
Open only to JD students
Credits: Staff -- 1 per year; Board -- 2 per year
Pre/Corequisite: None

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 Journal of International and Comparative Law (“CJICL”) publishes articles by prominent scholars, lawyers, and policymakers in the field of international law, foreign policy, and national security along with student notes, comments, and book reviews encompassing a wide range of international and comparative legal issues. Recent publications have included articles addressing the use of force in Iraq, government corruption in Nigeria, Islamic and international perspectives on prisoner of war treatment, and military tribunals. The CJICL also sponsors at least one symposium each year. For additional information, see the Cardozo Student Handbook.

Journal of Law and Gender
Open only to JD students
Credits: Staff - 1 per year; Board - 2 per year

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 Journal of Law and Gender (CJLG) (formerly known as Women’s Law Journal) is 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 CJLG 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.
Judicial Balancing, Proportionality and Justice  
Professor: Rosenfeld  
Credits: 2  
Pre/Corequisite: None  

This seminar will focus on the concept of proportionality, examining its relation to justice and theories of justice as well as its central role in judicial interpretation through the use of judicial balancing and various proportionality tests. The seminar will address theoretical issues as well as practical ones arising in the caselaw. It will focus on select issues in constitutional law, administrative law, criminal law, torts and contracts. US as well as foreign cases will be discussed. A handful of outside speakers may also intervene in the seminar.

Jurisprudence  
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: Goodrich, Jacobson, 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.
Labor and Employment Law Clinic  
Professors: Daniel Silverman/Michael Silverman  
Credits: 8 for the year (4 academic, 4 clinical)  
Pre- or Corequisite: Labor Law or Employment Law  

The Labor and Employment Clinic is a full-year program consisting of two components: an ongoing clinical program with primary case handling responsibilities and a two-hour weekly seminar. Students in the clinic may have the opportunity to engage in live client representation on various labor and employment law issues arising under the wage and hour laws, collective bargaining agreements, Title VII of the Civil Rights Act, the National Labor Relations Act, and the Unemployment Compensation Law. While a commitment to practicing in this area is not required, it is highly recommended. In cases before federal and state administrative agencies and arbitrators, students may have the opportunity to engage in settlement negotiations, conduct trials, examine witnesses, draft and argue motions, and file briefs. The clinic participants will have the opportunity to interview potential clients to determine whether cases are appropriate for clinic representation.

Working in teams of two, clinic participants will perform all aspects of their client’s representational requirements under the direct, intensive supervision of two practicing labor lawyers (one of whom is a long time member of the Cardozo adjunct faculty).

The seminar will cover the legal issues involved in the cases being handled in the clinic, including strategy and theory, and assist in the representational needs of the clients and pro bono clients of the clinic faculty, where possible. The seminar will be open to a limited number of students who are not enrolled in the clinical program. A paper will be required for students taking the seminar but not the clinic.

Labor and Employment Law Externship & Seminar  
Professor: Daniel Silverman  
Credits: 3 (1 clinical, 2 academic)  
Prerequisites: Labor Law or Employment Law  

The Labor and Employment Externship Program enables students to gain practical experience by working in a law firm, government agency, or labor organization. Participating students must commit to working 8 –12 hours per week at the participating employer and must take the accompanying seminar. The seminar will involve a discussion of a variety of important labor and employment topics, including current issues relating to federal and state legislation concerning the organization and regulation of collective bargaining, strikes, picketing and boycotts, arbitration, bankruptcy, Title VII, and the WARN Act. Active student participation in discussing key issues with the guest speakers is an important aspect of the program.
**Labor and Employment Law Seminar**  
Professors: Michael Silverman/Daniel Silverman  
Credits: 2 per semester  
Pre or Corequisite: Labor Law or Employment Law

This is the seminar component of the Labor and Employment Law Clinic, which is open to non-Clinic students on a one-semester basis. The seminar will cover the legal issues involved in the cases being handled in the clinic, including strategy and theory, and assist in the representational needs of the clients and pro bono clients of the clinic faculty, where possible. The seminar will be open to a limited number of students who are not enrolled in the clinical program. A paper will be required for students taking the seminar but not the clinic.

**Labor Law**  
Professor: Daniel Silverman  
Credits: 3  
Pre/Corequisite: None

This course will examine federal legislation concerning the organization and regulation of collective bargaining, principally the National Labor Relations (Wagner) Act of 1935 and the Labor-Management Relation (Taft-Hartley) Act of 1947. The course will also deal with applications of this law to newer forms of employee organizations, such as joint committees, autonomous teams, quality of work, life groups, and employee caucuses such as women’s ethnic, or sexually-oriented caucuses. Examination.

**Land Use Regulation**  
Professor: Sterk, Meyers, Brickman  
Credits: 2 or 3  
Pre/Corequisite: None

Public regulation of land use: legal bases for land-use controls, zoning, growth controls, historic preservation, state and regional planning development, and state and federal constitutional limitations on land-use regulation.

**Law and Film**  
Professor: Delage/Goodrich, Delage  
Credits: 2  
Pre/Corequisite: None

Justice must not only be done, but must be seen to be done. This course elaborates upon that well established legal maxim and offers a critical introduction to understanding the role of film in representing, interpreting and transmitting law. We will use popular films (directed by Frank Capra, John Ford, Fritz Lang, Otto Preminger, Brian De Palma, Tim Robbins and Steven Soderbergh), as well as documentaries (Raymond Depardon, Jean-Yves de Lestrade).
Visual and digital technologies now mediate all aspects of legality and this mediation affects our cultural and constitutional citizenship, modes of advocacy, content and style of judgments. The trajectory of analysis will be historical and critical. It will move from symbols of justice to the uses of visual advocacy, from the media of trial to trial through the media.

The initial purpose of the course is to engender a critical visual literacy, a familiarity with the play of images, a sophisticated sense of cultural citizenship as well as encouraging a facility with the visual dimensions of memory, evidence and persuasion. The second goal of the course is to provide space and tools for close textual readings, frame by frame, of specific films and documentaries.

A film and related readings will be assigned each week. The films assigned are available at the library. We will watch short clips from assigned films during class so as to allow time for both lecture and discussion.

Assessment will be primarily by means of a final paper, which can be used fill the writing requirement. The essay will be 5,000-8,000 words in length and will address one of the topics covered in the course through an analysis of one or more exemplary films. The purpose of the analysis will be to provide a critical and detailed reading of the chosen images and texts together with evincing a clear understanding of the themes covered in the course.

**Law and Film: Mass Crimes – The Place of the Witness**

Professor: Delage  
Credits: 2  
Pre/Corequisite: None

This course offers a theoretical and practical understanding of the role of film in representing, interpreting and transmitting law, history and memory.

What is the more comfortable situation for a survivor or a witness of mass crimes when he is asked, or volunteers, to tell his story? The courtroom of a tribunal or a more intimate set? While the law tries to contain the trauma and to translate it into legal-conscious terminology, thus reducing its strange interruption, it often is in fact the trauma that takes over and whose surreptitious logic in the end reclaims the trial.

However, in most cases, trials of mass crimes have a traumatic dimension not only for the participants, but for those who attend them or, as is now increasingly the case, for those who follow them on the radio, television, and the internet.

In both cases, it is a matter of places: those of the witness, as well as those of the spectators, which makes important the way the survivor is filmed, and how it addresses an audience.
From the documentary footage of the Nuremberg Military Tribunal, the Barbie trial, the Cambodian Tribunals, and the South African Truth and Reconciliation Commissions, the students will be confronted to these highly emotionally charged documents. The course will help them to compare the footage shot, with the testimonies filmed by the Fortunoff Video Archive at Yale or the Spielberg Foundation at USC. Then, they will study how museums and memorial institutions have shown these images, or produced some movies out of them.

Students will be involved in the writing and shooting of interviews made with experts in the field. From their own experience of watching the archives, they will raise the issue of the accuracy of the making of these filmed testimonies.

The course is divided into three sessions.

The first takes place on August 26 & 29, and Sept. 3, 9 & 12. It will be devoted to the study of the theme and to the literature it has generated. We will focus on the Nuremberg and Eichmann trials, then on the experiences of both Yale Fortunoff Video Archive and USC Shoah Foundation.

The second takes place in a different temporality. Interviews will be made and filmed at Cardozo with some specialists of the theme. This will take place during two Sundays (Sept. 22 & 29) from 10am to 4pm (with a 60min lunch break). Students will be given into different responsibilities: interviewing, shooting, editing.

The third session (Sept. 23 & 30, and Oct. 3) will allow the students to watch and discuss what has been shot.

**Course Assessment:** Assessment will be primarily by means of an essay that will, where relevant, also fill the writing requirement. The essay will be 5,000-8,000 words in length and will address both the topics covered in the course. This essay may take into account the experience of the shooting. Another option will be, instead of a paper, a work of editing some of the interviews made with extracts of archival footage if relevant.

---

**Law and Film: The Rodney King Case**
Professor: Delage
Credits: 2
Pre/Corequisite: None

This course offers a theoretical and practical understanding of the role of film in representing, interpreting and transmitting law.

Visual and digital technologies now mediate all aspects of legality and this mediation affects our
cultural and constitutional citizenship, modes of advocacy, content and style of judgments. The trajectory of analysis will be historical and critical. It will move from symbols of justice to the uses of visual advocacy, from the media of trial to trial through the media.

The initial purpose of the course is to engender a critical visual literacy, a familiarity with the play of images, a sophisticated sense of cultural citizenship as well as encouraging a facility with the visual dimensions of memory, evidence and persuasion. The second goal of the course is to provide space and tools for understanding the political and judicial issues of the Rodney King Case.

The course is divided into two sessions. The first takes place for three weeks with two classes per week. It will be devoted to the study of the case and to the literature it has generated. We will focus on the amateur videotape showing the beating of King, the two criminal trials and the civil trial against the LAPD officers, the riots the first trial generated in Los Angeles, the attitude of the Federal State, the public reception of the case through the medias. The second takes place in a different temporality. Instead of working over a period of 1:50, we will work on the basis of half or full day in the Moot Court Room, equipped as a film studio. The students will be divided into three teams: production, defense, prosecution. They will reenact some of the most important moments of the proceedings: the differences between the defense and the prosecution in the interpretation of Rodney King beating video (1). The defense of the LAPD officers (2). The testimonies of Rodney King (3).

Course Assessment: Assessment will be primarily by means of an essay that will, where relevant, also fill the writing requirement. The essay will be 5,000-8,000 words in length and will address both the topics covered in the course and the experience of the students in the reenactment of the trials.

Law and Justice: Liberalism and Its Critics
Professor: Rosenfeld
Credits: 2
Pre/Corequisite: None

Liberalism, broadly conceived as encompassing the views of political liberals such as Rawls and Dworkin and political conservatives such as Posner, has been the dominant jurisprudence throughout the twentieth century. With the advent of globalization, the multiplication of legal regimes originating beyond the nation-state (e.g., international human rights, World Trade Organization regulation, the law of the Geneva Conventions), mass migration, international terrorism, religious revivals challenging state secularism, and intensified cultural wars over subjects such as abortion and same-sex marriage, however, the premises and basic tenets of liberalism and the main goals of the Enlightenment project to which liberalism is closely linked have come under severe attacks.

The seminar will reexamine liberalism in the light of these attacks and explore whether it can surmount them or whether other alternatives, philosophical pluralism in particular, may be better
suited to confront current challenges to the Enlightenment legacy. Readings and discussion will concentrate both on the relevant works of thinkers such as Rawls, Isaiah Berlin, Dworkin, Posner and Habermas, and on the theoretical issues raised in a legal and ideological pluralistic world by certain key subjects, such as tolerance, equality, group rights, the constitutional relation between the state and religion in a post-secular age, global terrorism and the “war on terror”.

Students will be required to write a paper on a subject falling within the scope of the seminar.

This course was formerly known as Liberal Jurisprudence and Its Challenges and is not open to students who took it under the former title.

Law & Literature
Professor: Weisberg, Pantazakos
Credits: 2 or 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 and Psychoanalysis
Professor: M. Stone
Credits: 2
Pre/Corequisite: None

This is a graduate level philosophy seminar, designed for graduate students at the New School, but also open to qualified law students. The seminar will introduce basic ideas of psychoanalytic theory, but it will also approach them from the perspective of contemporary philosophical concerns, especially concerns in practical philosophy and the philosophy of mind. Topics include freedom, desire, emotions, practical reason, happiness, self-knowledge, irrationality, the first-person, parts of the soul, therapeutic change and irony. We will work with Freud, and with a variety of psychoanalytic and philosophical readers (e.g., Lear) of Freud. Law Students who
wish to take the course will be encouraged to write final papers which connects the material to some problem in law or legal theory. Note: The Seminar will meet on the New School Spring semester calendar, and will also meet at The New School.

Writing credit available for appropriate law-related topics.

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.

**Law & Psychology**  
Professor: Buccafusco  
Credits: 2  
Pre/Corequisite: None

This course will explore the implications of recent social science research on human behavior for law and legal decision-making. In the past few decades, new discoveries in psychology, cognitive science, neuroscience, and economics have challenged fundamental ideas about how people think and decide. We will consider their application to a variety of areas of the law including criminal and civil law and jury decision-making. Topics will include happiness and hedonic psychology, the role of emotion and reason in decision-making, creativity, risk assessment, morality, bias, and free will. Students can take the class as either a seminar for writing credit or as a standard class. Students taking the class for writing credit will write a substantial research paper. Students taking the class as a standard course will write a series of short (2-3 page) analysis papers.

**Law & Religion**  
Professor: Hamilton  
Credits: 2  
Pre/Corequisite: None

The United States Constitution expressly addresses religion from a variety of angles: there shall be no religious test oath for office, the free exercise of religion shall not be abridged, and there shall be no established church. It also rests on sophisticated presuppositions about the role of religion in society, some of which have fallen out of favor in current society. This seminar will address the complex and evolving relationship between church and state in the United States first set forth in the Constitution.

The grade will be equally divided between class participation, class presentation, and a paper, the topic of which must be approved by Prof. Hamilton.
Professor: Fish  
Credits: 2  
Pre/Corequisite: None

In this class we shall read religion clause cases against the background of longstanding debates in philosophy and theology about the relationship between religious imperatives and the obligations of democratic citizenship. The skill to be developed is the skill of discerning the arguments behind the arguments the justices are making explicitly. There is sometimes a gap between what justices believe the case to be about and what the case is really about at a level they do not acknowledge, but nevertheless enact.

---

**Law, Ethics and Psychoanalysis**  
Professor: M. Stone  
Credits: 2  
Pre/Corequisite: None

Does psychoanalytic thought, in the tradition of Freud, have any ethical implications? Can it support an interesting moral psychology? And what bearing, if any, does psychoanalysis have on the problems of human interaction which, in our civilization, get resolved specifically through law and formal legal proceeding? In discussing these broad questions, we will begin by reading those great works by Freud which bear specifically on social psychology, and which therefore touch on problems of morality and legal order (e.g., *Civilization and its Discontents* and *Totem and Taboo*). Freud himself distanced psychoanalysis from any particular concern with ethics or morality, but others, following in his steps (e.g., Melanie Klein and Jacques Lacan), have stressed the centrality of applications of the notions good/bad in human mental life, as well as our anxious and defensive responses to such evaluations. Following these authors, we will take up the large question of what psychoanalysis might mean for ethics through a variety of philosophical and psychoanalytic writings, including Freud, Klein, Lacan, Lear, Nietzsche and Castoriadis and others.

PLEASE NOTE: This seminar is also a course offering for graduate students in the departments of both philosophy and psychology at the New School for Social Research (NSSR). The seminar will meet on the NSSR spring schedule in a room at the New School, within a block or two of Cardozo. Class discussion will be conducted at a level appropriate to philosophy and psychology graduate students, but the seminar will also seek to serve the needs of Cardozo students who wish to think about law in a broader intellectual way, or who have some background interest in either philosophy or psychoanalysis and who seek to connect these background interests with their legal education. Law students taking the seminar for credit will be encouraged to work on a final paper which brings the course themes into connection with some legal issue of their own choosing, and special readings focusing on topics in law and psychoanalysis will be recommended as starting points for this endeavor.
Law of Surveillance
Professor: Crawford
Credits: 2
Pre/Corequisite: None

New laws and new regulatory approaches to surveillance are now under consideration to assist law enforcement authorities in carrying out their responsibilities. Meanwhile, private actors have access to enormous amounts of data and are unsure how to respond to law enforcement requests. This seminar will cover readings in computer crime and related issues. Paper required, no exam.

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

Law, Power and the Economy
Professor: Lawson-Remer
Credits: 2
Pre/Corequisite: None

This course examines the complex relationship between law, poverty, and inequality in the global south. Laws and extra-legal social norms play a central role in the development trajectories of countries, influencing overall political and economic paths, and determining winners and losers. The course engages with critical readings in classic sociology, political-economy, and legal theory, as well as empirical legal and economic analysis of the income and distributional impacts of different normative orders. We will examine national level formal laws and informal social norms, including private property rights, collective ownership, and access to justice. We will also examine transnational institutions, such as investment treaties and dispute resolution mechanisms, and emerging financial regulation. Students will develop a theoretical and empirical foundation regarding the law, poverty, and inequality nexus in global perspective.

** 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.

Law Review
Open only to JD students
Credits: Staff – 1 per year; Board – 2 per Year

Law Review will be graded as a Y (year). The 1 credit for staffmembers 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.

**Legal Drafting for Business Lawyers**
Professor: Darmstadter
Credits: 2
Pre/Corequisite: None

Much of a business lawyer’s work involves drafting documents. This course will concentrate on drafting agreements, especially loan agreements, and disclosure documents, such as securities prospectuses. Standard document structures and provisions (including the relevant legal principles) will be examined, using actual transaction documents as the basic sources, supplemented by two textbooks, Charles Fox, *Working with Contracts*, and Howard Darmstadter, *Hereof, Thereof and Everywhereof*. The course will be descriptive of current practices, but will also encourage a more “plain English” drafting style. Students will be expected to submit draft provisions for most classes, and there will be a final more extensive drafting exercise.

**Legal Research and Writing for International Students I, Advanced Workshop**
Professor: Various
International LL.M.s
Credits: 1
Pre/Corequisite: None

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
Professor: Various
International LL.Ms
Credits: 1
Prerequisites: Legal Research and Writing for International Student I, Advanced Workshop

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 Research, Advanced
Professor: Mackey, Wishart
Open only to JD students
Credits: 1
Pre/Corequisite: None

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.

The Legal and Social Status of Jews in the Classical Era and the Shaping of Jewish Identity: Between Israel and Diaspora
Professor: Gafni
Credits: 1
Pre/Corequisite: None

This course will address one of the central factors that determined Jewish identity in Late Antiquity (and down to contemporary times): the ongoing flourishing of a widespread, successful and assertive Jewish diaspora and its variegated relations with a Jewish center in the Land of Israel. The course will take up the origins and stages in the development of the major diaspora communities, as well as the various Jewish and gentile perceptions of this phenomenon. What were the legal and social ramifications of a widespread Jewish presence within Greco-Roman society, and what were the varying ideologies and strategies employed to deal with this ongoing reality? What impact did the destruction of the Temple and Jerusalem (70 CE) have on diaspora Jewry, and on their legal status within the Roman and Byzantine Empire? Special attention will also be given, in this context, to a gradually shifting and at times fractious relationship between the Judaean and Babylonian Jewish communities. Resonating throughout the course will be the question of how analogous are current diaspora realities to those of Late Antiquity.
Legal Writing and Research  
Professor: Newman  
Open only to JD students  
Credits: 1  
Pre/Corequisite: None  

Teaching assistant program for the Legal Writing Program. Enrollment by permission only.

Legislation  
Professor: Lemos, Shaw  
Credits: 2 or 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.

LGBT Litigation and Leadership Practicum  
Professor: Baldacci  
Credits: 4 credits (2 clinical + 2 academic) for the semester  
Pre requisite: LGBT Rights Seminar  

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

The LGBT Litigation and Leadership Practicum will be offered in the Spring 2014 Semester; enrollment may be limited depending on the number of placements that are available. The Practicum provides a one-semester intensive lawyering experience in advocating for lesbian, gay, bisexual and transgender rights. Students will be placed in direct service law offices or in organizations whose focus is on law reform litigation and advocacy. Among the offices in which students will be placed are Gay Men’s Health Crisis (direct legal services), Sylvia Rivera Law Project (gender identity direct legal services and policy), Lambda Legal Defense and Education Fund, and the ACLU LGBT Rights Project. The goal of these placements is to expose students to both the litigation work of these organizations and also to their leadership role, structure and strategies in advancing LGBT rights.
The LGBT Rights Seminar explores the history of litigation and other law-reform strategies to advance LGBT rights. The Seminar will critically reflect on the legal theories and strategies that have guided this history, focusing on key cases in areas such as sexual privacy, family, marriage equality and gender identity. The Seminar will also provide a locus where students can critically reflect on the work they are doing in their Practicum placements. A substantial research paper will be required.

**LL.M. Thesis**  
Professor: Please see Amy Sugin  
Credits: 3  
Pre/Corequisite: None; 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 speak with Amy Sugin, Director of Graduate and International Programs.

**Maimonides: Law and Philosophy**  
Professors: Lorberbaum  
Credits: 1  
Pre/Corequisite: None

Maimonides was both the most important lawyer and the most prominent philosopher in the Jewish tradition of the past millennium. The course will explore the connections between his philosophy-theology and his writings on Jewish law. The topics to be discussed in the course include the following: Maimonides’ theory and history of Jewish law; the impact of Maimonides’ philosophy on his legal decisions; Maimonides' view on the rationale of the commandments and his philosophy of law; and the place of philosophy and intellectual perfection in his legal writings.

**Mainzer Family Defense Field Clinic/Seminar, The Bronx Defenders, Family Defense Practice**  
Professors: Elfant  
Credits: 5 (3 clinical, 2 academic)  
Corequisite: Field Clinic Seminar; Open only to students who have been selected through the field clinic application process.

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 over 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.

**Mediation, Introduction to**
Professors: Love/Stulberg, Love/Weitz
Credits: 2
Pre/Corequisite: None

Open to LLM and 3Ls only (maximum of 8). 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.

In 2013, this class will meet on the following dates and times: Tues., Aug. 20 from 4-6; Wed., Aug. 21 from 9-5; Thurs., Aug. 22 from 4-6; Friday, Aug. 23 from 9-5; and Sunday, Aug. 25 from 9-5.

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

**Medical Malpractice**
Professor: A. Stein
Credits: 2 or 3
Pre/Corequisite: None

This course will examine the liability of medical practitioners and institutions for damages sustained by patients. Specifically, it will focus on the following issues: Overview of the Medical Malpractice System; Tort and Contract Frameworks for Adjudicating Medical Malpractice; Standards and Duties of Care (Customs, Practices, the Locality Rule, Schools of Thought and the Respectable Minority Defense); Experimental Medicine and Assisted Reproductive Technologies; Cost-Containment: An Economic Malpractice?; Doctors’ Liability for Medical Devices and Drugs and the Learned Intermediary Doctrine; Medical Expert Testimony and other evidentiary issues (jury instructions; use of medical treatises and practice guidelines; peer review privilege and preventive measures; medical records, spoliation doctrine, and liability for evidential damage; res ipsa loquitur); Informed Consent; Indeterminate Causation, Liability for Lost Chances to Recover; Compensation and Caps on Non-Economic Damages; ERISA (Employee Retirement Income Security Act); Institutional Liability of Hospitals and MCO’s; Limitations of Liability (comparative fault, statutes of limitations, preemptions and other defenses).

**Mergers & Acquisitions**
Professor: Haas, 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
Open only to J.D. students
Credits: Staff – 1 per year; Board – 2 per year

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.

Multiculturalism and the Human Rights of Women: International and Comparative Law Perspectives
Professor: Mancini
Credits: 1 [3-week short course]
Pre/Corequisite: None

This course is designed to explore the complex inter-relationship between the quest for gender equality and multiculturalism, with an emphasis on the special dilemmas posed by religious systems which have or seek a significant measure of self-governance but do not accept liberal egalitarianism. Questions to be examined include the following: To which extent should liberal democracies accommodate communal cultures inimical to gender equality? How should constitutional systems balance between the right to cultural and religious freedom on the one hand and gender equality on the other? Is it admissible for the answers to these questions to differ from one country to another, and if so to what extent? Is there an emerging international and/or European model of accommodating cultural diversity which nevertheless adequately takes into account the gender dimension?

Course requirements include regular class attendance, active participation in class discussion and 2 short papers. Class time will be divided between lectures and discussion. Each topic will be introduced by the instructor. The final grade will be determined in the light of the two papers (80%) and of participation in class and discussion (20%).
Music, Copyright and the Intervention of Superior Rights  
Professor: Deutsch  
Credits: 2  
Prerequisite: Copyright

This seminar will focus on various aspects of copyright law: Its unique application to music including dramatic vs. non-dramatic rights; synchronization rights; the role of the performing rights societies; compulsory licenses; internet piracy and mechanical rights aspects of the 1976 Copyright Law and their interaction with contractual rights and estate planning. The renewal and termination right, when effected, can both be a rude awakening resulting in fissures of expectations and a harbinger of unanticipated wealth.

The instructor will assign a different case to each student who will give a 20-minute oral presentation of the assigned case to be followed by class analysis.

Grades are measured by active classroom participation and regular presence, case analysis and results of a final exam covering the seminar's 13 weeks. On questions regarding this course: Contact Mr. Deutsch at adeutsch@mclaughlinstern.com or by fax to 212-448-0066.

Music Industry Contracts  
Professor: Small  
Credits: 2  
Prerequisite: Copyright

This seminar will provide an in-depth look at the legal practice of the music industry. Through contract review, industry-related readings, class discussions and guest speakers, we will apply principles of intellectual property and contract law to the transactional musical entertainment field. Agreements to be covered include but are not limited to recording agreements, producer agreements, management agreements, publishing agreements and live performance agreements. Other topics to be covered will be the unique role of agents and managers in the music industry and the professional responsibility issues faced by attorneys who work in the industry. At the end of the semester, students should have a good understanding of the music business and the deal points pertaining to the agreements noted above and analyzed in class.

Copyright Law is a prerequisite; a working knowledge of basic copyright law is presumed.

Negotiation Strategy/ADR Competition Team  
Professor: Love  
Credits: 3 for the year – 2 in the fall (1 clinical, 1 academic) and 1 in the spring (clinical)  
Pre/Corequisite: None. Permission-only course, only open to 2L students selected through the application process.

The ADR Competition Team is a student run organization that is led primarily by ADR Team Leaders, a select group of returning students who excelled on the 2012-13 ADR Competition
Team. Faculty members will also supplement the Team Leaders by teaching classes and coaching individual teams for certain competitions.

The Cardozo ADR Competition team is currently recruiting members for the 2013-14 competition season. The team is comprised of student competitors who represent Cardozo in competitions both domestically and internationally. Last year brought students to cities all over the world, including Boston, Houston, Toronto, and Paris, for competitions in Mediation, Negotiation, and Counseling.

Participation on the team requires attendance at a weekly class component, which focuses on mooting and skill-building designed to prepare students for competition. This year's team will meet Tuesday afternoons from 4-6pm. Students receive 2 credits in the fall semester (1 academic and 1 clinical) and 1 clinical credit in the spring semester.

If you are interested in joining the team, you must submit a statement of interest (maximum of 250 words), highlighting any relevant experience you have had, along with your resume. **Applications are due by July 24th at 5pm to cardozoadrteam@gmail.com.** Interviews for qualified individuals will take place the week of August 5-9 with the ADR Team Leaders. Students who are selected for admission will be notified, along with the Registrar who will register them for the course.

**Negotiation Theories and Skills**
Professor: Baum, De Palo, Lang, Regan, Stulberg, Tsur, Yadegari, Ebenstein, Coleman, Weisenfeld
Credits: 2
Pre/Corequisite: None

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.

Professor: Freedman
Credits: 2
Pre/Corequisite: None

This negotiation course is an interactive seminar consisting of theoretical and practical input and discussions, integrating role-play simulations, centered on the intercultural and international dimensions of commercial and non-commercial negotiations.
Neuroscience and the Law  
Professor: Salecl  
Credits: 2  
Pre/Corequisite: None

Development in neuroscience opened new ways to think about the individual, his or her free will and the issue of criminal responsibility, while it has also opened up questions about possible forms of interventions which might alter people's behavior. Initiatives have been made, for example, to use brain imaging in determining whether a minor may be held accountable for a criminal offence when tried in court. Similarly, brain imaging has been used in court cases which dealt with the question if violent films and video games in a negative way affect the development of a youngster’s brain. The course will look at the impact neuroscience has on legal system – it will point out how this new type of expertise replaced psychological expertise and what implication this replacement has for the perception of subjectivity.

In court trials where neuroscience is being used one needs to take into consideration the effect that the fascination with images of the brain might have on the judges and the jury. Bearing in mind the influence an expert authority has on judgment, the course will question whether using neuroscience in the courts of justice does not lead to a loss of autonomy within law itself. Students will be encouraged to debate in the class some current cases where neuroscience had great impact on the court decision. They will be asked to critically assess the role neuroscience might play in the legal system in the future.

New Insolvency Frontiers: Detroit, Madoff, Lehman and other Non-Traditional Bankruptcies  
Professors: Epstein/Horwich, Epstein  
Credits: 2  
Prerequisite: Debtors’ and Creditors’ Rights (can be waived with permission of the instructor)

Chapter 11 is widely considered to be one of the most advanced and sophisticated insolvency systems in the world. However, there are other insolvency systems in the United States that work for special debtors. These differ in important ways from Chapter 11. In some instances the difference arises out of the fact that there are governmental or quasi-governmental guaranties. In others the difference arises out of the fact that it is a governmental entity itself that is insolvent.

This advanced bankruptcy seminar will explore the rehabilitation (and liquidation) of insolvent debtors that are not eligible for chapter 11 of the bankruptcy code (i.e., municipalities, financial institutions and insurance companies). Specifically, the seminar will explore chapter 9 of the bankruptcy code, state and federal receivership programs, actions taken by the Securities Investor Protection Corporation (SIPC) (pertaining to failed brokerage firms) and the Federal Deposit Insurance Corporation (FDIC).

Students taking this seminar should have a basic understanding of bankruptcy and corporate law. The seminar is suited for students who may be considering practicing in the area of bankruptcy,
as well as those students interested in corporate finance, general corporate law and other similar areas.

This course was formerly known as the Advanced Insolvency Seminar; it is not open to students who took it under the previous title.

**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.

A number of New School courses have been 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.

To enroll in a New School course that has not been pre-approved, you should submit a request in writing to Dean Mender. 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 in either the Milano School of International Affairs, Management, and Urban Policy or the New School for Social Research. 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 course that is not "pre-approved" has been approved by Dean Mender, please complete the “Permission to Register as a Non-Matriculated New School Student” form found on page 15 and obtain the signatures of (a) Dean Mender, (b) the appropriate New School professor, and (c) Ellen Freeberg, Assistant Dean, New School for Social Research (6 East 16th Street, 10th Floor). Enrollment is subject to space limitations. Students registering for “pre-approved” New School courses do not need to follow this procedure.

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.

Regardless of whether the course is pre-approved or not, it is the responsibility of all Cardozo students to fill out a New School Transcript Request Form (a PDF of the form can be downloaded here: http://www.newschool.edu/student-services/registrar/transcripts/) and submit it to the Cardozo Registrar before the end of the semester in which they are taking a New School course. The Cardozo Registrar will then submit these request forms to the New School in order to facilitate New School grades being entered into the Cardozo system.

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.

New York City Law Department Appeals Division Field Clinic
Professor: Rootenberg, Paulson
Credits: 1 academic, 3 clinical
Pre/Corequisite: None. Open only to JD students.

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 Evidence in Theory and Practice Seminar**  
Professor: Greenberg  
Credits: 2  
Pre/Corequisite: None; Recommended: Evidence

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 Practice**  
Professor: Lipshie  
Credits: 3  
Pre/Corequisite: None

Professor: Greenberg, Bortnick, Weiner  
Credits: 2  
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 Residential Landlord-Tenant Law**  
Professor: Baldacci  
Credits: 2  
Pre/Corequisite: None

This course will investigate the history, theory and practice of New York Residential Landlord-Tenant Law. Residential landlord-tenant relationships in New York are highly regulated by local, state and federal statutory and regulatory schemes. We will explore the historical reasons for, and the competing and sometimes conflicting public policies underlying those enactments; we will also survey the provisions of those schemes, and their common law application in resolving landlord-tenant disputes. Through simulations, involving legal drafting and oral presentations, and observations in Housing Court, we will explore the procedural and substantive requirements for enforcing the rights and obligations of residential landlords and tenants, and the defenses available against such claims.

Since there is another course on the legal structure, management, and ownership of cooperatives and condominiums, this course will not duplicate that analysis, but will include cases involving cooperatives and to a lesser extent condominiums in exploring the topics outlined above.

**New York State Attorney General Field Clinic/Seminar (Social Justice Division)**  
Professors: Elmore/Dean  
Credits: 7 for the year: 4 in the fall (2 clinical, 2 academic), 3 in the spring (2 clinical, 1 academic)  
Corequisite: Field Clinic Seminar; Open only to JD and LLM students who have been selected through the field clinic application process.

In New York State’s nationally-renowned Office of the Attorney General (OAG), students work in the Civil Rights, Labor, Environmental Protection, Tobacco Compliance, and Charities Bureaus of the Social Justice Division to protect New Yorkers’ legal rights. Students assist with affirmative 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 Andrew Elmore, Section Chief, Labor Bureau, Office of the New York State Attorney General.
NY Family Law: Drafting and Procedure
Professor: Collins
Credits: 2
Pre or Co-requisite: None

NY 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.

Non-Profit Governance, Selected Issues in – See Charity Governance

Partnerships and LLCs – See Alternative Business Entities: Limited Liability Companies, Partnerships and Business Trusts

Partnership Tax – See Taxation of Partnerships

Patent Law
Professor: Burstein, Cohen
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, Advanced**  
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.

** Patent Practice**  
Professor: Tsavaris  
Credits: 2  
Pre/Corequisite: None

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 exam in which students will be provided with a patent application, drawings, and claims, and an office action to which students will prepare a response.

** Patent Practicum**  
Professor: Ravicher  
Credits: 2  
Pre/Corequisites: Patent Law is a prerequisite and only students with a demonstrated interest in patent law should enroll.

The course will enable students to perform advanced patent analysis. During the first part of the course, the class will be given instruction on how to study actual patents to investigate their scope and validity. Working individually or in small groups, students will then be assigned specific patents for their own investigation projects. Final investigation reports may be used by the Public Patent Foundation in its work monitoring the U.S. patent system.

**Paulsen Moot Court Competition**  
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, Profit Sharing, and Fringe Benefit Plans**
Professor: Zelinsky  
Credits: 3  
Pre/Corequisite: None

An introduction to the legal framework governing pension, profit sharing and fringe benefit plans. The course will concentrate on the provisions of the Internal Revenue Code and the Employee Retirement Income Security Act of 1974 as they regulate such plans. Particular attention will be paid to the legal requirements for qualifying retirement plans under the Code including rules about participation and vesting in such plans. While not required, it is strongly recommended that students in this course have successfully completed the introductory course in federal income taxation.

**Philosophy of Human Rights**
Professor: Sadurski  
Credits: 1  
Pre/Corequisite: None

The main aim of this seminar is to reflect upon the very notion of rights and “rights discourse,” as well as upon the substantive values and ideals that underlie a set of those legal rights that we usually consider essential to our visions of a good society such as rights to individual and democratic freedoms and rights against discrimination. Those fundamental human rights, which are (or should be) recognized in liberal-democratic states, are based on normative ethical and jurisprudential theories. The purpose of the seminar will be to discuss some of those theories both through the eyes of their proponents and their critics.

In the first part of the course (first three classes) the very concept of rights as such will be introduced, emphasizing the distinction between the strength and the scope of rights and also between rights seen as related to individual will and to individual interests. In particular, the problem of the conflicts of rights will be discussed and a link between the conflicts of rights and the question of justification of rights will be drawn. Also, the vexed issue of “universalism”
versus “particularism” of rights will be discussed. The second part of the course (two classes) will discuss the philosophical underpinnings of liberty rights, taking as a point of departure John Stuart Mill’s “harm principle” and the popular departures from the principle, such as legal paternalism. The third and last part of the course will focus on equality rights and on the philosophical bases of the principle of non-discrimination.

**Political Economy of the City (New School)**  
Professor: Peter Eisinger  
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.

**Political Philosophy and Jewish Law**  
Professor: S. Stone  
Credits: 2  
Prerequisite: None

Chapters 17 and 18 of the Book of Deuteronomy in the Hebrew Bible, which describe the authority of officeholders in the biblical polity (king, priest, prophet, and judge) have been called “the first Constitution.” In this course, we will examine succeeding interpretations of the biblical description of government. We will read selections from the Hebrew Bible, Josephus, rabbinic literature, Hobbes, Spinoza, Buber, Yeshayahu Leibowitz and more, as we examine the authority of God, and then the division of authority among kings, prophets, priests, rabbis, lay leaders, non-Jewish rulers and the state of Israel. Topics to be discussed include the division of religious and political realms in Jewish though, the role of reason and consent in the Jewish legal tradition, and finally, the role of Jewish law within a civil state and civil society. This course also serves as an introduction to the philosophy and methodology of Jewish law.
Power Strategy & Social Change (New School)**
Professor: J. Smith
Credits: 2
Pre/Corequisite: None

This course prepares students to think strategically about advocacy methods, leverage points, and resources for change. Students focus on the nature of power in its various forms (electoral power, issue framing, financial, citizen mobilization, public opinion) and explore how power and resources can be acquired, evaluated, mobilized, and deployed in the service of promoting a policy agenda. Students develop an understanding of the leverage points for achieving social change, using case studies to become familiar with legislative processes, the budget cycle, the electoral arena, the regulatory system, public interest law, labor relations, procurement, and the various paths to influencing public opinion and decision makers. By the end of the course students develop a sophisticated and comprehensive strategy for conducting a campaign for issue advocacy or political change.

** 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.

Pretrial Practice
Professor: Goldman/Ellenbogen, Meister/Pedowitz, Beeney/Elgort, Kummer/Cohen
Credits: 3 (2 academic, 1 clinical)
Pre- or Co-requisite: Evidence

Focus on the preparation of civil litigation for trial; tactical and legal analysis of multiparty litigation; the discovery process; issues in the judicial control of litigation; emphasis on problem orientation and student participation. Students consider ethical issues arising from the litigation process.

Prisoners’ Rights – See Rights of Prisoners and Detainees

Privacy Law Seminar
Professor: Wu
Credits: 2
Pre/Corequisite: None

This seminar explores the tension between interests favoring the disclosure of information and interests favoring information privacy. Both privacy relative to the government and privacy
relative to the media and public are addressed. 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.” Instead, the focus is on privacy of information, and on the control or lack of control that individuals have over information about themselves. The first part of the course explores theoretical conceptions of privacy and their application to the traditional privacy torts and to Fourth Amendment law. Possible topics for the second part of the course may include: privacy of medical, financial, or consumer data; privacy in the workplace, in homes, or in schools; privacy and national security; or privacy on the Internet. This course does not have a final exam. Grading will be based on class participation, short weekly writing assignments, and a final paper.

Private Equity Transactions  
Professors: Bursky/Sorkin  
Credits: 2  
Prerequisite: Corporations  
Recommended: Securities Regulation

This course will cover what lawyers actually do in leveraged buyout transactions. We will address basic legal and structuring issues in connection with private equity acquisition transactions, with a significant focus on operative documents and cases arising out of recent private equity transactions. After introducing the basic framework of private equity funds, the course will focus on the structure of private equity acquisition agreements and related financing documents, as well as the legal framework applicable to leveraged transactions, including fiduciary duties of directors and officers and “going-private” disclosure. As time permits, the course will address “club” deals, auctions and sale processes and monetization of private equity investments.

Students will be graded on the basis of three written assignments during the semester as well as class participation. There will be no final examination.

Product Liability & Safety Law  
Professor: Gilles  
Credits: 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**  
Professor: Yaroshefsky, Eisinger  
Open to JD students during the initial registration period. If seats are available, LL.M. students may register for this course during the Add/Drop period.  
Credits: 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.

Professor: Supple  
Open to JD students during the initial registration period. If room is available, LL.M. students may register for this course during the Add/Drop period.  
Credits: 2  
Pre/Corequisite: None

This course reviews the constraints placed on lawyers by the legal profession, mandating that lawyers correctly balance their obligation to zealously represent their clients while conforming their conduct to ethical norms reflected in the Rules of Professional Conduct. The course uses both the traditional teaching methods as well as hypotheticals. Principles discussed apply to civil, criminal and transactional work.

Professor: Lewis  
Open to JD students during the initial registration period. If room is available, LL.M. students may register for this course during the Add/Drop period.  
Credits: 2  
Pre/Corequisite: None

With a focus on the ABA Model Rules of Professional Conduct and the New York Rules of Professional Conduct, this course will challenge students to consider how they might handle some of the myriad of difficult situations likely to be encountered by new attorneys within the first few years of practice. Classroom work will involve both lecture and discussion highlighting cutting edge legal ethics issues presented by our increasingly global and digital world.
**Professional Responsibility for LL.M. Students**
Professor: Eisinger
Open only to LL.M. students.
Credits: 2
Pre/Corequisite: None

This course reviews the constraints placed on lawyers within the context of the legal system of the United States and is designed to assist, among others, students who may be unfamiliar with a common law regime. The course explores, in particular, the defining features of the U.S. legal system -- federalism, separation of powers, common law reasoning, statutory construction, and the advocacy system -- and how these features affect lawyers' balancing the obligation to zealously represent their clients while conforming their conduct to ethical norms reflected in the Rules of Professional Conduct. The course uses both traditional teaching methods as well as hypotheticals and problems. Principles discussed apply to civil, criminal and transactional work.

**Prosecutor Practicum**
Professor: Galperin
Open only to JD students who have been selected through the clinic application process.
Credits: 10 clinical (plus 2 academic credits from the corequisite course)
Corequisite: Criminal Justice and Society Colloquium

The Prosecutor Practicum and Criminal Justice and Society Colloquium is a unique twelve-credit clinical program open to second- and third- year law students that involves an intensive full-time internship at the Manhattan District Attorney’s Office in the fall semester, and a weekly seminar at the Law School. The program offers an opportunity 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 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 various tours of law enforcement facilities. This orientation provides practical training in substantive criminal law, criminal procedure, evidence, and professional responsibility.

After orientation, the interns go to work in general or specialized trial bureaus. They assist attorneys handling felony and misdemeanor cases, and “second-seat” a felony jury trial. Prof. Galperin, who also teaches the Colloquium, meets weekly with the interns as a group, treating trial advocacy and using their 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 their own narcotics eviction cases whereby persons whose apartments are used in connection with an illegal trade or business are subject to eviction. The students gather and review evidence, interview police and civilian witnesses, prepare pleadings, respond to motions, and handle all
aspects of any settlement negotiations or trial in civil court.

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 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, 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.

Enrollment in the Practicum is limited to eight students selected by the instructor during the previous spring clinical application period.

Psychoanalysis and the Law
Professor: Salecl
Credits: 2
Pre/Corequisite: None

Psychoanalysis can be of great help in understanding the way people relate to law and gives us an insight into the questions like: why some people claim that they committed crime while there is no proof that they in any way acted against the law; why does a serial killer feel no remorse for his crime; or why does someone commit an offense claiming that this was simply a duty he had to perform. The course will first explore how psychoanalytic thinking about law can help the lawyers to grasp the way subjects differently relate to social prohibitions. With the help of this knowledge, we will then analyze some forms of violence that we encounter in today’s society. This class meets for the first seven weeks of the semester only.

Public Health Law and Policy
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 Law, Policy and Ethics Journal**
Open only to JD students  
Credits: Staff -- 1 per year; Board -- 2 per year  
Pre/Corequisite: None

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 Public Law, Policy and Ethics Journal* is a multidisciplinary publication dedicated to discussing and analyzing the policy implications of governmental actions, how lawyers advocate in the public interest, and how the ethical choices of legal workers affect the law and the public at large. CPLPEJ publishes writing in all areas of the law, including constitutional law, family law, legal ethics, criminal law, civil rights law, immigration law, environmental law, civil law, labor law, animal rights law, and sexual orientation law. The Journal is committed to a non-ideological investigation of issues, and accepts submissions from philosophers, economists, sociologists, activists, lawyers and other professionals. CPLPEJ also prides itself on presenting relevant and engaging symposia. For additional information, see the Cardozo Student Handbook.

**Public Sector Externship Program**
Professor: Various  
Credit: 2  
Corequisite: Corresponding Externship Seminar

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**
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).
Race, Law, and Remediation
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.

Racial Economic Disparities: Causes and Consequences (New School)**
Professor: D. Hamilton
Credits: 2
Pre/Corequisite: None

This course critically examines the causes and consequences of racial disparities and the social policies designed to address these disparities. Although it has been nearly 150 years since the emancipation of Black Americans and nearly 40 years since the passage of civil rights and equal employment opportunity legislation, Blacks still lag far behind whites according to virtually every socioeconomic indicator. The course explores the merits and limitations of various paradigms aimed at explaining these persistent disparities. In particular, the course investigates racial disparities in education, health, wealth, and labor markets. Topics covered include the construction of racial identity and its economic, social, and psychological consequences, and intra-racial disparities associated with skin tone.

** 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.
**Real Estate Contract Drafting**  
Professor: Stern  
Open only to JD students  
Credits: 2  
Pre/Corequisite: None

This course will examine the elements of real estate drafting that a lawyer is likely to encounter, either as an advocate or as a principal. New York custom and practice will be emphasized. Contracts of sale for single-family homes and co-op and condominium apartments, and brokerage agreements for residential and commercial property, will be examined, and appropriate riders and responses to various recognized problems will be examined, negotiated, and discussed. Lease transactions examined will include apartments, office leases, and office subleases. Financing transactions discussed will include co-op and condominium loans, single family loans, and commercial loans. Standard title insurance policies and typical exceptions to title insurance will be discussed. The text will consist of printed materials readily available to practicing lawyers. Students will be expected to draft and negotiate various rider provisions based on the competing needs of hypothetical clients on each side of a transaction, and a critical evaluation of the relevant printed form. Accompanying typical form agreements will be materials explicating certain problems and provisions of various agreements. Grading will be based on the written work produced during the term, memoranda to support a particular negotiating position, and class participation.

**Real Estate Reporter**  
Professor: Sterk  
Open only to JD students  
Credits: 2 (1 clinical, 1 academic)  
Pre/Corequisite: None

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.

This class will be limited to 6 students. 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**  
Professor: Tracht  
Credits: 3  
Pre/Corequisite: None  

This course examines the fundamental business and legal building blocks of real estate transactions, including recording systems and priorities of interests in property, the contract of sale, loan structuring, legal principles governing the enforcement of mortgages, the basics of construction lending, the contract of sale, deeds, closing, and statutory and common law remedies for breaches related to the sale of real property.

Professor: Gellis  
Credits: 3  
Pre/Corequisite: None  

This course examines the business and legal building blocks that form the basis of all real estate transactions, from the basic home mortgage to construction and long-term financing of commercial real estate. It covers the recording systems and priorities in the interests in property, loan structuring, legal principles governing the enforcement of mortgages, and the basics of construction lending.

**Realizing Value in Corporate Restructurings: Distressed Investing, Distressed Lending and Private Equity**  
Professor: Henes  
Credits: 2  
Pre/Corequisite: None  

This course is a seminar focusing on distressed investing. The evolution of bankruptcy from back room deals to major capital market transactions has seen hedge funds, private equity funds, lending institutions and proprietary trading desks play an ever expanding role in corporate restructurings. The assets, securities and claims of companies in financial distress create significant profit opportunities for investors that specialize in distressed investing. Among the topics to be covered are the various legal tactics and strategies used by hedge funds, private equity funds and other investors to take control of or invest in distressed corporations, including out-of-court exchange offers, loan-to-own transactions, rights offerings, asset purchases and debt-to-equity conversions through a plan of reorganization. The course will use case law, case studies and actual transactional documents to demonstrate the intersection of bankruptcy, securities, tax and general corporate law that arises in distressed debt transactions.
Religion and the Law (2012 Floersheimer Colloquium)
Professor: Mancini/Rosenfeld
Credits: 2
Pre/Corequisite: None

The revival of religion in pluralist and multicultural settings deeply immersed in identity politics poses serious theoretical and practical challenges to the legitimacy and viability of the dominant conception of constitutionalism which seems inextricably linked to the principle of secularism. What is at stake on the theoretical plane is a radical challenge to the essential tenets that animate the project of the Enlightenment: acceptance of a clear cut distinction between the realm of faith and that of reason together with a commitment to ruling the public sphere according to the dictates of reason; and promotion of equal liberty for all. Certain contemporary religions seem compatible with the rule of reason in the public sphere, but others do not. Thus, fundamentalist religions and even certain non-fundamentalist ones have objected to secular rule constrained by public reason as being morally debilitating.

A great number of practical problems raising difficult constitutional issues are linked to the theoretical challenge outlined above. These include: religious education in public schools; wearing religious symbols in public places (e.g., the Islamic veil in public schools); secular state-imposed subjects to be taught in religious schools (e.g., tolerance, pluralism, gender equality); minority religions’ practices that go against mainstream law and culture (e.g., ritual slaughtering of animals for food under Jewish or Muslim religious law); speech that offends religion, and in particular a minority religion (e.g., the controversy over the Danish cartoons deemed profoundly offensive to Islam); virulent religious fundamentalist speech that advocates hatred or violence against other religions or against secularists (e.g., jihadist exhortations by fundamentalist imams); and clashes between religious laws, practices or customs and the spread of liberal values and rights such as those pertaining to gender equality.

The Colloquium will consist of weekly presentations by outside speakers doing cutting edge work on several of the above mentioned issues. Each speaker will present a paper that will be distributed in advance to students and each presentation will be followed by discussion with the Colloquium instructors and students. The speakers will be from number of different countries and from many disciplines such as law, history and political theory. They will include a broad spectrum of specialists spanning from preeminent First Amendment scholars, such as Dean Robert Post of the Yale Law School, to important policy makers, such as Patrick Weil, the author of the government report that led to the French law banning the Islamic veil in public schools. Moreover, the speakers will represent a broad array of views: some will be avowed secularists, while others will speak from within a Jewish, Christian or Muslim perspective.

Students will be required to write a paper due at the end of the semester. The paper may either respond to one or more of the outside speaker papers, or else be on another subject falling within the scope of the Colloquium.
**Religious Law vs. Ethics in Jewish Philosophy**  
Professor: Kasher  
Credit: 1  
Pre/Corequisite: None

The course will explore moral questions concerning religious law, such as punishment between reward and benefit, the social role of religious law, the need for theonomic law, and the justification of exclusive laws. It will also examine the tension between certain religious commandments and the moral intuitions about them. The various discussions will be based on texts written from the time of Rabbi Saadia Gaon (the 10th century) up to Yeshayahu Leibowitz (the 20th century).

**Remedies**  
Professor: Sebok  
Credits: 3  
Pre/Corequisite: None

This course will cover the remedies available to a successful litigant in private and public law. This includes: (1) the law of damages in contracts and torts, as well in constitutional law; (2) the law of injunctions, ranging from preliminary to permanent injunctions; and (3) equitable remedies, including constructive trusts, restitution, and accounting. This course will provide an excellent review of the relationship between common law forms of action. It will also provide students with practical lessons on civil litigation, since the remedy pursued by a litigant often determines the liability arguments adopted by both the plaintiff and the defendant. Take home exam.

**Remedies for Wartime Confiscation**  
Professors: Roussin/McCallion  
Credits: 2  
Pre- or Co-requisite: International Law

The problems presented in effecting the restitution of, or compensation for, property confiscated during World War II have been the subject of many recent books, law review articles and newspaper headlines. This seminar will examine the problem of looting during times of war and the development of the concept of restitution of looted property in a historical context, with special emphasis on World War II. Topics will include private vs. public property, the concept of unjust enrichment and the development of legal remedies in international law. The seminar may be taken alone, but is mandatory for those in the Holocaust Restitution Claims Practicum.

Students are required to participate in class discussions and to lead the discussion on assigned topics. Each student must submit a 20 - 25 page paper on a topic chosen in consultation with the professors.
**Representation in Mediation**  
Professors: Love and Abramson  
Credits: 2  
Pre/Corequisite: None

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. Cardozo’s team for the ABA Regional Representation in Mediation Competition will be chosen from course participants based on class performance. There is an additional fee for this course. The course will have a take-home examination which will be handed out on the last day of class.

---

**Rights of Prisoners and Detainees**  
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.

---

**Securities Arbitration Clinic**  
Professor: Goldman  
Open only to JD students who have been selected through the clinic application process.  
Credits: Full-year clinic. 8 credits per year (4 academic, 4 clinical)  
Pre or Co-requisite: Corporations. Highly Recommended: Securities Regulation

Students in this year-long, 8-credit program will be introduced to the fundamental principles of securities arbitration initiated by investors before either the New York Stock Exchange, the National Association of Securities Dealers or the American Arbitration Association. Students will also be instructed with respect to the principles of securities regulations relevant to typical investor claims against broker/dealers and clearinghouses. Thereafter, students will be assigned (under faculty supervision) to arbitration cases referred to Cardozo by the NYSE, NASD and/or AAA. The students will serve as advocates for the claimants. Such assignments will include case in-take, case development and representation of the claimants before the duly constituted arbitration panel hearing each case. Students will conduct all phases of the typical securities arbitrations.
This clinic is a unique opportunity to have a hands-on experience and to develop client relation skills. Students will also be given the opportunity to observe numerous arbitrations at the arbitral institutions in order to develop a greater familiarity with arbitration advocacy, procedures and methods.

**Securities Litigation and Enforcement**  
Professor: Russello  
Credits: 2  
Pre/Co-requisite: None

Securities litigation, both by private parties and through government regulation and enforcement, remains one of the most vibrant and important areas of the law. This course will examine three major areas of securities litigation and enforcement: class actions, enforcement proceedings brought by state and federal agencies (as well as the role of self-regulatory organizations), and private securities arbitration. Subjects intended to be covered will include the elements of a 10b-5 claim and other causes of action, the role of gatekeepers such as attorneys and boards of directors, the impact of the Sarbanes-Oxley Act of 2002, the choice between criminal and civil enforcement, relations between the SEC and DOJ, privileges and whether to waive them in a regulatory investigation, trends in enforcement cases, how to respond to regulators, and other issues.

**Securities Regulation**  
Professor: Goldman, Schroeder  
Credits: 3  
Prerequisite: Corporations; LLM students may apply to professor for a waiver of the prerequisite

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.
Selected Problems in Professional Responsibility
Professor: Brickman
Credits: 3
Pre/Corequisite: None

This seminar satisfies the Professional Responsibility requirement. After a concentrated review of the N.Y. Rules of Professional Conduct, we then address several “hot button” issues facing the legal profession. SHOULD: law firms be allowed to issue stock to the public; nonlawyers be allowed to have an ownership interest in law firms; lawyers be allowed to form partnerships and share fees with accountants, engineers, architects, investment advisors, etc. in the performance of legal services; nonlawyers be able to compete with lawyers in providing such legal services as simple real estate transactions and settling accident claims; third parties be allowed to invest in lawsuits; and should the authority to discipline lawyers be taken away from the exclusive control of courts and given to agencies created by legislatures? The answer in the U.S. is mostly “no” but in much of the rest of the world with advanced legal systems, the answer -- ever more frequently -- is yes.

We will also consider what ethical obligation lawyers have with respect to use of social media, mobile devices for communicating with clients, Internet-based storage of confidential information and e-discovery.

Finally, we will examine ethical rules pertaining to fees and the role of fees in civil litigation including discussion of the American vs. English rules (each party paying it own legal fees vs. “loser pays”); retainer agreements; advance fee payments; non-refundable retainers; contingency fees; class action and mass tort fee setting; referral fees; lawyer-client fee arbitration; how contingency fees affect the tort system; and tort reform proposals that focus on the powerful fee incentives created by contingency fees. A Paper is required.

Sentencing Law
Professor: Protass
Credits: 2
Pre/Corequisite: None

Sentencing Law will explore criminal sentencing under both federal and state law. Structured as a seminar, the course will provide an open forum for discussions concerning the various rationales for determinate and indeterminate sentencing regimes; the philosophical basis, history, and operation of those punishment schemes; legal challenges to federal and state sentencing laws; and recent developments that have changed the fundamental nature of sentencing in the United States. Readings will include case law, statutes and rules, scholarly studies and books, and popular commentary from the press and media. Sentencing Law also will feature three guest lectures (prosecutor, defense attorney, and probation officer), as well as attendance at a federal sentencing hearing (and, after its conclusion, a private debriefing with the presiding judge).
Sexual Orientation, Gender & Law  
Professor: E. Stein, David  
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.

Social Media Law  
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 Welfare Litigation Seminar  
Open only to JD students enrolled in the Bet Tzedek Clinic  
Professors: Baldacci/Golick/Salzman  
Credits: 2 per semester  
Corequisite: Bet Tzedek Legal Services 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.

Sovereign Wealth Finance  
Professor: Chalamish  
Credits: 2  
Pre/Corequisite: None  

Sovereign Wealth Funds (SWFs) have attracted significant interest over the past few years as a result of their increasing role in global economy and their influence on capital flows and the future of international finance. Sovereign funds, as public investors in private markets, provide
important economic and other benefits to home, host, and global markets, while challenging national economic supremacy and traditional national and international legal frameworks.

The seminar will provide a comprehensive overview of the fundamentals of Sovereign Wealth Funds, their historical and macroeconomic context, governments’ policy response to the funds, and the emerging international regulatory framework that includes both soft law and hard law legal instruments. We will also explore the constant intersection of global politics and economic integration in a highly competitive financial environment, and the role of Sovereign Wealth Funds as responsible and sustainable long-term investors following the Great Recession of 2008. Furthermore, the students will become familiar with the sovereign wealth funds community and its impact on international legal practice in the transactional and litigation fields. They will also discuss case studies and emerging issues in this area.

The sessions will be based on both theoretical discussions and case studies. Additionally, a few sessions will include guest speakers who can enrich our discussion, such as Sovereign Wealth Funds’ and Central Banks’ executives and in-house counsels, senior directors from trade associations, or policy makers from multinational organizations (IMF/OECD).

**Special Education Law and Advocacy Field Clinic and Seminar**

Professor: Madden/Lenaghan  
Credits: 4 (2 clinical, 2 academic)  
Pre or corequisite: None  

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

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:

**Sports Law**
Professor: Deutsch/Dreyer
Credits: 2
Pre or 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.

**State and Local Government Law**
Professor: Decker
Credits: 2
Pre/Corequisite: None

Exposure to the law of state and local governments is increasingly seen as a necessary counterbalance to the heavy weight placed in law school on the federal courts, federal constitution, and federal statutes. Understanding federalism requires understanding the role that states—and localities, the so-called creatures of the state—play in relation to national power. More tangibly, state and local governments affect our everyday lives in countless ways. They provide critical services (fire, education, transportation, police, etc.); they serve as incubators for policy innovations and social change; and they offer a special kind of political responsiveness. That responsiveness can have a dark side, however, including the violation of minority rights and the creation of exclusive enclaves. This course begins with black-letter state and local government law, focusing on issues such as the source of local power and how state law and federal law constrain that power. Students then will engage with a series of case studies drawn primarily from the city and state of New York. Subjects could include school funding and charter schools, laws targeting undocumented immigrants, transportation planning and unfunded state mandates, climate change, rent regulation, and juvenile justice reform. These case studies will help students engage more deeply with questions about the benefits and drawbacks of decentralization and about conflicts between states and cities, between cities and suburbs, and
between governments and their citizens. Students will emerge as better policymakers and better prepared for careers in state and local government. Grading will be based on class participation and student work during the semester, including response papers and practice-oriented assignments; no final exam.

**State and Local Taxation**  
Professor: C. Smith, Zelinsky  
Credits: 2  
Pre- or 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.

**Statebuilding and Peacebuilding: New Directions in Theory and Practice (New School)****  
Professor: McCandless  
Credits: 2  
Pre/Corequisite: None

Statebuilding and peacebuilding are two prominent policy agendas driving international and national efforts to address conflict and fragility in countries around the world. The understandings of both are evolving: statebuilding is increasingly viewed an endogenous process aimed at enhancing capacity, institutions and legitimacy of the state – through effective political processes that negotiate the mutual demands between state, and citizens and societal groups. Peacebuilding on the other hand, is increasingly accepted as a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development. Despite their apparent overlaps and important interactions to achieve largely consistent aims of creating a more peaceful world, both agendas face numerous challenges in achieving their intended results. The terms and agendas are often confused and conflated, followed, understandably, by incoherent and ineffective strategies. The implementation strategies of both have been strongly criticized for reflecting top-down and “templated” liberal models – deeply at odds with the values of “nationally driven” and “endogenous” that are meant to characterize their content. The two agendas can also clash, depending on how actors involved interpret them.

This course aims to examine the key theories underpinning and driving the policy agendas of statebuilding and peacebuilding, the critiques of international action and the practical alternatives that are emerging. Vibrant and highly contemporary policy debates will be examined as they play out, through country case studies – including official “pilots” of international collective
action. The course will consider how theories and practices of liberalism and Marxism are being presented with practical alternatives that move beyond static and polarizing concepts and theories and into more “hybrid” forms that reflect the very real, dynamic contexts of fragility and conflict. Emphasis will be placed on examining the degree to which and ways in which national actors and especially civil/societies are engaging in, and shaping the debates and emerging practices, and with what results.

** 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.

Statistics, Introduction to
Professor: Jacobson
Credits: 2
Pre/Corequisite: 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.

Strategic Policy Advocacy Field Clinic and Seminar
Professor: Friedman
Credits: 4 (2 clinical credits for the field placement; 2 academic credits for the co-requisite seminar)
Corequisite: Field Clinic Seminar; Open only to JD and LLM students who have been selected through the field clinic application process.

The Strategic Policy Advocacy Field Clinic is designed to train law students to engage in effective policy innovation and advocacy work in partnership with the community members most deeply impacted by these policies. The clinic will partner with the Center for Popular Democracy, a new national organization that works with community organizing groups around the country to build their political power and sophistication, and to promote pro-worker, pro-immigrant and pro-equity public policies at the state and municipal levels of government. Law students will work to translate community aspirations into creative and viable public policy proposals. In class, students will reflect on the reach of public policy, the opportunities for, and constraints on, democratic participation, and the hard skills needed to engage people, form coalitions, generate policy proposals and win change. In their fieldwork, students will conduct legal research, create community education materials and support community organizations' policy and legislative advocacy in myriad ways. Taught by Andrew Friedman, founder and co-director of Make the Road New York, [http://www.maketheroad.org/index.php](http://www.maketheroad.org/index.php), and founder and co-director of the Center for Popular Democracy, which opens its doors this spring.
Sustainability Perspectives and Practice  
Professor: Clinton  
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 Clinic  
Professor: C. Smith  
Credits: 3 (2 academic, 1 clinical)  
Open only to students who have been selected through the clinic application process.  
Prerequisite: Federal Income Tax

The Tax Clinic provides legal services to taxpayers who have federal and New York income tax controversies and who cannot afford to be represented by counsel. Clinic students represent taxpayers on audits, IRS Appeals, and U.S. Tax Court matters involving proposed income tax adjustments. Also, students assist in collection matters, such as obtaining installment payment arrangements and offers in compromise of undisputed liabilities. Up to eight second and third-year law students are enrolled in the Tax Clinic each semester.

The seminar portion of this course covers federal tax procedure, and requires several short papers on current topics in the tax law, which give students useful experience in tax research.
Taxation of Intellectual Property
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
Professor: Cunningham, Zelinsky
Credits: 2 or 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 Transactions
Professor: Breitstone
Credits: 2
Prerequisites: Federal Income Tax

This course will cover the major tax and legal considerations for real estate ventures and their owners including choice of entity, compensation arrangements including “carried interests”, character of gain or loss, including planning to minimize taxes on disposition, financing considerations, treatment of dealer property and subdivisions, nonrecognition and deferral techniques including section 1031 like kind exchanges, tax consequences of leasing transactions, loss limitation rules and special estate planning considerations for the successful real estate entrepreneur.
Technology Licensing Agreements
Professor: Underweiser
Credits: 2
Pre- or Co-requisite: Patent Law or permission of the instructor.

This course provides an introduction to basic issues in licensing intellectual property, primarily focused on patent licensing. Various aspects of leveraging intellectual property through licensing are explored, including evaluation of client needs, crafting contract language and interpreting and analyzing license agreements. Relevant case law will be discussed and applied to contract language; and current business trends in areas such as software and services will be explored in the context of licensing strategy.

Technology Policy Seminar
Professor: Frischmann
Credits: 2
Pre/Corequisite: None

This seminar will address current technology policy/law issues and hot topics ranging from intellectual property reform to online privacy. We will begin with two recently published books: (1) Julie Cohen, Configuring the Networked Self: Law, Code, and the Play of Everyday Practice (Yale University Press 2012) and (2) Brett Frischmann, Infrastructure: The Social Value of Shared Resources, (Oxford University Press 2012). The books develop very different frameworks with which to identify, examine and evaluate a host of technology policy issues. After discussing the books, we will turn to currently pressing technology policy/law debates. Students will give presentations and write short papers on a technology policy/law issue, or recent development of their choice.

The Justice Gap: Strategies for Securing the Delivery of Equal Justice in American Courts
Professor: Udell
Credits: 2
Pre/Corequisite: None

It has long been recognized that indigent litigants in both civil and criminal cases face particular barriers to full participation in our system of justice that call into question the fundamental fairness of the system. This class will examine these barriers, taking into account pros and cons of proposed solutions, and evaluating the skills and choices involved in campaigns to achieve those solutions. The class will compare court reform initiatives in selected areas, including civil legal services reform, indigent defense reform, language rights reform, the incipient campaign for a "justice index," and the continuing struggle known as tort reform. A research paper will be required.
The Mayor, the Media and the Politics of Policy in New York City
Professor: Andrew White
Credits: 2
Pre/Corequisite: None

Policy and management in the public and nonprofit sectors exist within a political environment. In this course, our primary but not exclusive focus is on New York City and State in our study of the politics of policy. The lessons we learn are meaningful well beyond New York. The course explores the interplay of power and influence between the mayor, the City Council, the news media, community organizations and the private sector (nonprofit and for-profit). How do policy innovations emerge, evolve and become implemented or blocked in city government? Students examine cases from recent history and in the context of current electoral campaigns, while gaining knowledge of city policy on issues such as welfare, police, housing, drugs and education.

** 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.

The Supreme Court: Theory and Practice
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.
Theories of Punishment
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.

Torts, Advanced
Professor: Gilles, Sebok
Credits: 2 or 3
Prerequisite: Torts

This course will consider a variety of issues and topics that move beyond basic tort law to address more complex injuries, including: intentional harm, defamation, domestic torts, business torts and unfair competition, malpractice, trespass and nuisance, governmental liability, environmental and toxic torts, and mass torts. We will end the course with a discussion of current efforts to reform (overhaul?) the American tort system.

Trademark Law
Professor: Hughes, 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. We will also have some discussion of international trademark issues, including the TRIPS system and 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.

Transactions Involving Patent Rights
Professors: McFarlane/Eskew
Credit: 1 or 2
Pre or Corequisite: Patent Law

This course will explore key issues relating to the commercial value conferred by rights in the grant of a United States patent. After reviewing critical concepts in patent interpretation,
including claim analysis and construction, the course will review basic transactions and agreements involving patents. Exercises will focus on evaluating the scope, strength and value of patent families, patent enforcement strategies and limitations, and important considerations that may arise in certain transactions. A basic understanding of patents will be assumed, therefore Patent Law is a pre- or co-requisite for this course. The course will meet for the second half of the semester only.

Treason, Sedition and Protected Speech -- See: From Socrates to Dr. Spock: Treason, Sedition and Protected Speech

Transitional Justice and Accountability
Professors: Blum
Credit: 2
Pre/Corequisite: None

The emergence of societies from mass violence or political repression raises crucial questions about achieving justice and accountability for the human rights abuses of the past. The course will interrogate the questions of how and why, in the wake of grave human rights abuses, individuals and societies attempt to make these violations “visible,” create modes of collectively understanding the events, and manage the inherent tensions in this process of legal, social and moral reconstruction. The course will examine the roles and culpability of bystanders, perpetrators, and civilian and military commanders, as well as the issue of collective responsibility. In addition, the course will address the evolving legal standards, such as the legality of amnesties, the right to redress, and the duty to prosecute. We will examine the claims and methodologies of the central strategies which have developed to engage with the past, including truth-seeking mechanisms, criminal accountability, reparations and apology, the creation of memorials, and institutional reform.

Students registering for this class will attend a series of film screenings related to the course. Professor Blum will give an introduction to the film that will assist students in “reading” the film. Films may include: Divided We Fall, Long Night’s Journey Into Day, Cautiva, Lives of Others, and Standard Operating Procedure.

The seminar will combine lecture, guest speakers, and class discussion in addition to simulation exercises. The seminar may include group presentations on how different countries, emerging from repressive or conflict-ridden periods in their history, have approached these issues.
Trial Advocacy -- Intensive Program (ITAP)
Professors: Scheck and Yaroshefsky plus guest instructors
Credits: 3
Prerequisite: Evidence (may be waived by the Director)
Open only to JD students. Interested LLM students should contact Peter Walsh at pwalsh@yu.edu.

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.

Intensive program of individualized instruction in trial advocacy taught between fall and spring semesters by faculty of experienced civil and criminal trial attorneys from the metropolitan area. 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, culminating with each student conducting a one-day trial before a jury. Taught in small groups of 10 in 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 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.

Trial Advocacy, Advanced
Professor: Rubinowitz
Credits: 2
Pre/Corequisites: Trial Advocacy, Introduction or ITAP

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.

**Trial Advocacy, Introduction to**
Professor: Horn, Blumberg, Grant  
Credits: 2  
Pre/Corequisite: None

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.

After a few weeks focusing on development of the theory of the case, 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 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.

Professor Horn’s section is open to JD students only.

**Trusts & Estates**
Professor: Cunningham, Leslie, Schwartz, Sterk  
Credits: 3  
Pre/Corequisite: None

Case law and legislative approaches to intestacy, testamentary formalities, limitations on freedom of testation; interpretation of wills and trusts; use of inter vivos trusts in estate planning; powers of appointment; gifts and future interests; a emphasis on a comparison of the New York Estates, Powers and Trusts Law to the Uniform Probate Code to give a working knowledge of two modern (and frequently conflicting) statutory approaches to this subject.

**Truth Commissions and Accountability (New School)**
Professor: Bickford, E. Gonzalez  
Credits: 2  
Pre/Corequisite: None

Truth commissions - sometimes called “truth and reconciliation commissions” – have emerged as a key instrument in dealing with genocide, human rights abuse, and crimes against humanity in countries as diverse as Liberia, East Timor, Argentina, and South Africa. This course will be an intensive immersion in questions of truth and accountability, providing students with the tools necessary to understand and critically evaluate truth commissions and related efforts as they emerge, for example, in Darfur, Kenya, Colombia, or other post-conflict societies around the world.
We will begin with a theoretical introduction to the idea of “truth” as it applies to mass atrocity. What does it mean to seek “truth”? What is its relationship to “justice”? “Memory”? “Accountability”? Students will examine the relationship between justice and accountability, and negotiations to ensure sustainable peace. The curriculum will integrate gender-based considerations and be supplemented with case-study presentations of truth-seeking initiatives developed around the world, including both historical examples (South Africa, Peru, Chile, Argentina, Morocco) as well as more current initiatives (e.g. Canada, Colombia, Kenya, the United States, and Nepal). The course format will include a combination of lectures, film and video, and participatory exercises including a simulation of creating a truth commission.

** 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.

Professor: Servon
Credits: 2
Pre/Corequisite: None

Urban poverty is arguably the biggest problem facing US cities. Despite 50 years of concerted policy efforts, the problem continues to persist, leading to explanations that a “culture of poverty” has developed that is resistant to solutions. This course will explore the problem of persistent urban poverty in the United States from a variety of perspectives. Specifically, we will read works by liberals and conservatives, and from the disciplines of sociology, economics, political science, planning, and public policy in order to understand the different lenses that have been applied to this issue, and the ways in which problem definition is connected to policy solution.

We will also examine the specific policy strategies that have been mounted to try to address the problem of persistent urban poverty. We will examine particular documents, such as the Moynihan and Kerner Commission reports, that had important influences on policy creation.

The course will focus on the period beginning with the War on Poverty/Great Society programs in the early 1960s until the present. We will look at specific issues such as: how poverty is defined; how the face of poverty has changed over the past several decades; the feminization of poverty; shortcomings of strategies designed to address urban poverty; the role of discrimination in perpetuating persistent urban poverty.
** 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.

**Venture Capital**
Professor: Ganor  
Credits: 2  
Pre/Corequisite: None

This course will review core issues relating to venture capital. The focus of the course will be the financing of the emerging growth company. The course will cover topics relating to venture capital investments in start-up companies, the structure of VC backed companies, the allocation of cash-flow and control rights in these companies, and litigation arising from the unique VC arrangements. Issues relating to the VC fund structure and to intellectual property transactions may also be discussed.

**Vichy France, Europe & the Holocaust : The Spoliation and Restitution Dimension**
Professor: Freedman  
Credits: 2  
Pre/Corequisite: None

The Holocaust in France, as in most of Europe, was the result of specific racial legislation, leading to exclusion, expropriation, encampment, expulsion, and eventual extermination. This seminar will specifically address the expropriation stage in the process.

The seminar, at the crossroads of history, memory, law, economics and administration, through selected readings of primary and secondary source material, oral presentations and group discussion, will attempt to analyze the legalized spoliation of the Vichy regime in France (1940-1944), that of other European countries and the post-war restitution endeavors.

The seminar will be in three main sections:
White Collar Crime
Professor: Schoeman/Weinstein, Weinstein/Rohde, Roth
Credits: 2 or 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.

Women's Rights (New School)**
Professor: Dauer
Credits: 2
Pre/Corequisite: None

This course will examine the integration of women’s human rights into the UN international human rights system through study of several relevant UN bodies, treaties and declarations. The course will consider contestations and defenses of applications of human rights to women's issues. Many human rights advocates (local, national and international) realize that human rights principles gain meaning and traction in dialogue with local principles, politics and ideas of justice. The course will examine dialogues about how women's human rights are negotiated and implemented.

** 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.
Wrongful Convictions
Professors: Kreag, Potkin/Newirth
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.

Youth Justice Clinic
Professor: Yaroshefsky
Credits: 5 credits (3 clinical and 2 academic) for the semester
Pre/Corequisite: None; Recommended: A background in aspects of youth justice is recommended, but not required. It is helpful to have taken Evidence and Trial Practice. Neither of these courses is a prerequisite.

New York’s reform movement is well underway to address its longstanding failures in treatment of youth in its courts. Alternatives to incarceration, specialized courts, youth-run justice courts, and community based probation programs are among the recent programs and policies to address what is known as the “school to prison pipeline.”

The Youth Justice clinic provides a unique opportunity for an in-depth experience working with youth and their communities in New York’s criminal justice and education systems. Students will represent young people in the Bronx in school suspension hearings where that student is also charged with a criminal offense. The students will be responsible for all aspects of the school suspension hearing and will assist the Legal Aid Society lawyer handling the criminal case.

In addition to the school suspension cases, the Clinic will work with organizations throughout New York City on law reform projects including litigation, legislation, and community advocacy.

The seminar component of the course will explore the youth justice systems in the United States beginning with the constitutional and historical framework, youths’ substantive and procedural rights, and the process and consequences for criminal offenses. It will examine the ideological and institutional changes in how police, courts, correctional agencies and schools respond to youth offenders with particular attention to psychological and social science data.
Enrollment is limited to 6-8 students, selected by application. A background in aspects of youth justice is recommended, but not required. It is helpful to have taken Evidence and Trial Practice. Neither of these courses is a prerequisite.

**Youth Justice Theory and Practice**
Professors: Yaroshefsky  
Credits: 2  
Pre/Corequisite: None

This seminar will explore the youth justice system in the United States beginning with the constitutional and historical framework for treating youth differently from adults. The course will focus upon youths’ substantive and procedural rights, and consequences for criminal offenses including juvenile delinquency adjudications. We will then examine the ideological and institutional changes and the shifts in theory and practice with specific attention to court decisions and psychological and social science data. Models for youth justice systems will be a focus for discussion. We will explore how police, courts, correctional agencies and schools respond to youth offenders. Students will meet with members of organizations and institutions in New York that work on various aspects of youth justice in preparation for the course’s term paper. (Please note that this course cannot be used to satisfy the JD writing requirement.)