

## **Law School Descriptions**

### **Affordable Housing Law - Theory and Practice**

This course will explore how and why Federal law supports the production, finance and operation of affordable housing, and the consequences, both intended and unintended, of historical shifts in Federal housing policy. Students will examine in detail the ways in which both housing regulation and the tax code affect the structure and documentation of complex transactions, and will analyze the "real world" impact of changing policies and legal requirements on the practice of affordable housing law.

The course will begin with a discussion of the basic economic and political justifications for affordable housing legislation and a brief survey of legislative initiatives over time, to illustrate the breadth and scope of federal affordable housing programs and the way in which those programs have reflected the changing social and political environment. Against this backdrop, the course will focus on large-scale comprehensive neighborhood revitalization programs involving public/private partnerships under the United States Housing Act of 1937, as amended, the Internal Revenue Code, and associated federal regulations. Topics for discussion include the role of the Federal government in determining access to housing, the pros and cons of using tax incentives to finance development, housing as a vehicle for social change, and the role of law in reducing racial and class disparities in housing. Students will examine the practical implications of the interplay between traditional public housing and tax-driven private investment through role-play negotiations, drafting exercises, and document review, in addition to analysis of key statutory and regulatory provisions.

Although this course has no prerequisites, administrative law and basic income taxation are recommended.

### **Antitrust**

The federal antitrust laws, first created to break apart the powerful business "trusts" of the late 1800s, have since been applied to markets as diverse as utilities, ski areas, sports leagues, copy machine repair services and computer hardware and software. This course will examine the major federal laws promoting competition, including the Sherman Act, the Clayton Act and Section 5 of the Federal Trade Commission Act, and will survey the application and enforcement of these laws by the government and private litigants. The course will also address the current debate over the appropriate role of antitrust law in our increasingly global, service-oriented and technology-based economy.

### **+ Battered Women and the Law**

This course begins with a focus on the dynamics of violence in intimate relationships, and on the cultural context in which abusive relationships are embedded. Later classes will examine those aspects of the legal system having the most immediate relevance to a woman seeking to protect herself against the violence of a partner, or to end an abusive relationship. Specifically, we will look at family law, alternative dispute resolution, abuse prevention legislation, criminal law and the criminal justice system, recent developments in tort law, the new federal Violence Against Women Act and

violence against women as a violation of international human rights. The course will end with a look at the particular challenges faced by advocates working with battered women, and some innovative programmatic responses to the needs of battered women on the part of both public and private agencies and organizations.

The course is interdisciplinary, drawing from research and scholarship in history, anthropology, sociology and psychology as well as law. The classes will be in a discussion seminar-style format, with a strong emphasis on active participation by all members of the class. Role plays will be used from time to time to focus issues for discussion. Occasionally, guests with relevant experience will be invited to join the class, and written materials will be supplemented with relevant film footage.

### **+ Bioethics and the Law**

This course will focus on the intersection of law and bioethics and will consider how different ethical theories may guide legal decisions. Topics will include physician-assisted suicide, testing for HIV, reproductive technology, and rationing of health care. Students will be expected to write a research paper and share some of what they have learned with the class.

### **Commercial Law: Bankruptcy**

This course explores basic principles of consumer and business bankruptcy. We examine how the bankruptcy process works, the underlying policies that purport to justify the way the law is written and construed, and the mechanics of applying key sections of the federal Bankruptcy Code. To convey the liveliness and volatility of bankruptcy practice, and to provide an introduction to strategic thinking in bankruptcy, the course relies primarily on problem solving and discussion.

### **Commercial Law: Secured Transactions**

This course has as its principal focus the way that most credit in America is extended. Most creditors require collateral to secure their loans. Hence, secured transactions are pervasive in our society, even if most people do not know the legal term for many of their transactions. Such transactions range from buying automobiles or large household goods on credit to large mega-loans made by banks to large corporations. The primary law studied is Article 9 of the Uniform Commercial Code, which has recently been revised and certain sections of the federal Bankruptcy Code. The course also seeks to introduce students to commercial transactions generally and to further their facility with issues of statutory construction.

### **Corporations**

This is a basic course in the law of business corporations. Aspects of the law of agency and the law of partnerships also will be explored as they relate to the development of corporate legal controls. Among topics to be studied are: distribution of control within the corporation; fiduciary duties of directors and officers; key aspects of the federal securities laws (including the regulation of insider trading and proxies); organic changes (such as mergers); shifts in control (such as takeovers and freeze-outs); and legal implications of the roles of corporations in society. Course materials may address these issues in the context of various types of corporate enterprises (e.g., closely-held corporations, corporate producer-cooperatives, and publicly-held corporations). The course introduces some of the specialized concepts explored in greater detail in the courses on Securities Regulation and Corporate Finance: Reorganizations.

### **+ Disability Law**

This course will explore how the law treats individuals with disabilities. After analyzing what is meant by the term "disability," we will consider constitutional review of state actions discriminating against individuals with disabilities in addition to statutory rights and obligations created by the Rehabilitation Act, the Americans with Disabilities Act and the Individuals with Disabilities Education Act, as well as some governmental benefit programs. The rights of individuals with disabilities to have a family life, be educated, work and enjoy public accommodations will be considered in depth. This course is designed for students wishing to represent individuals with disabilities as well as students who may represent employers and public accommodations.

### **Employment Discrimination**

This course focuses on the rights of workers to be free of discrimination in the workplace, and the obligations of employers to provide a discrimination-free workplace. Emphasis is placed on the scope and limitations of fair employment statutes, including definitions of employee and employer, types of actionable discrimination, shifting burdens of proof and other definitional or procedural issues that frequently determine the outcome of cases. The course will primarily address Title VII of the 1964 Civil Rights Act, but will also cover other state and federal anti-discrimination laws. We will not only discuss litigation, but will also address approaches that responsible employers might take to develop effective anti-discrimination policies.

### **Employment Law**

This course surveys common law, statutory and administrative regulation of the employment relationship and current policy issues concerning paid employment. Topics discussed include labor market theory, job security, mass dismissals and plant closings, employer control of employee behavior, employee privacy, minimum wage and maximum hour regulation, child labor, international labor standards, sweatshops, part-time and contingent employment relationships, child care, leave policy, issues for parents and other caretakers who enter paid labor markets, unemployment insurance, health care insurance, retirement income, and the regulation of pension and benefit plans. Legal and policy issues of concern to low-wage workers receive particular emphasis.

### **Entertainment Law**

Entertainment law involves the study of business practices and legal principles applicable to the entertainment and sports industries. The course will emphasize practical application of those principles and practices in negotiation and litigation. Topics include the antitrust environment of the sports and entertainment industries, Title IX in college athletics, antitrust control, ownership of creative work and compensation. Students should have a sound understanding of contract law. Some knowledge of intellectual property, labor or antitrust will be useful.

### **Family Law**

This is a basic course in family law and family policy. The first half of the course explores state regulation of intimate relationships looking at the law of incest, polygamy and same sex marriage. Students complete a short research paper on a family policy topic of their choice. The second half of the course examines practical problems in family law: cohabitants' rights; common law marriage; and the many issues relating to divorce. The final paper involves a close analysis of a simulated divorce case file.

### **First Amendment**

This course examines rights protected by the First Amendment to the Constitution. The focus is on the principles and processes developed by the judiciary to protect various forms of speech, expression, association and religion. The course also focuses on integrating doctrine with the core values of the First Amendment and on recent theoretical developments. The course does not, except tangentially, deal with other parts of the Bill of Rights.

### **Global AIDS Policy Seminar**

The global HIV/AIDS pandemic, the preeminent public health and human rights challenge of our time, is structured by biological, economic, social, and cultural forces ranging from the arcane structures of the international intellectual property regime to the cultural norms that prefigure sexual intimacy. This seminar will explore selected policy options for reversing and responding to the tide of infection. Pharmaceutical research, development, and access, neo-liberal economic and trade policies, gender relations and prevention policies, global health initiatives and primary health systems, health care policy and health worker migration – these and many other topics will be the subject of classroom discussion and student research papers.

### **+ Health Law**

This course examines the legal regulation of the provision of health care services. Much of the focus is on the relationship between law and health care policy. Topics include access to health care, health care financing, malpractice liability, regulation of the quality of care and the formulation of public health policy.

### **Immigration Law**

This course is designed to give the student an overview of U.S. immigration laws with special emphasis on the Immigration Act of 1990. The focus is on the day-to-day practice of immigration law, including an examination of the substantive and procedural aspects of this practice, and a historical analysis of the changes in our immigration laws and policies.

The course also examines the interrelationship of administrative law, constitutional law, foreign law, federal court jurisdiction, international law and criminal law. Included in the topics covered will be the various non-immigrant and immigrant classifications, the preference system for immigrants, the difference between exclusion and deportation hearings, statutory grounds for exclusion and deportation, Fourth and Fifth Amendment rights of aliens, political asylum applications, U.S. citizenship and naturalization, administrative and judicial review, the Refugee Act of 1980 and the new political asylum regulations.

### **Intellectual Property**

In our modern day ‘information economy,’ the law of intellectual property has taken on enormous importance to both creators and users of intellectual creations. This course introduces students to the classic principles of copyright, patent, trademark, and trade secret law and explores the ways in which those principles are shifting and adapting in response to new technology.

## **International Business Regulation**

This course is designed to give you a thorough introduction to the legal regulation of global business. It is designed to be of interest to persons who wish to become international business practitioners as well as to persons who are interested in international economic policy whether from the perspective of national governments or NGOs. It begins by exploring the numerous levels of legal regulation that affect corporations and other economic actors engaged in cross-border transactions, including private law rules (e.g. contract and property), national regulation, the extraterritorial reach of national laws, regional economic regimes (e.g. NAFTA and the European Union), public international law, and international economic law. The next part of the course looks at trade law under GATT/World Trade Organization system. This part is designed to give you a facility with important trade law concepts such as "comparative advantage," "tariffs," "subsidies," "most favored nation," "national treatment," the remedial regimes available under the trade system for violations of trade law and the structure and functions of the main international trade institutions. The remainder of the course involves a series of case studies of contemporary business problems that we analyze through discussion and role-playing in light of the knowledge we have gained from the earlier parts of the course. Some of the topics for the case studies include "Trade Law, Pharmaceuticals, HIV/AIDS and access to medicines in developing countries," "Attempts by the European Union to regulate the import of Genetically Modified Foods from US," "The effects of Immigration on domestic wage rates," and "Outsourcing of White Collar Jobs to non-US markets."

## **International Law**

This course introduces students to fundamental concepts and unresolved problems in international law. We discuss historical and contemporary theoretical debates about the roles and utility of international law. Students are introduced to the sources of international law and to methods of international dispute resolution in domestic and international fora. This course explores the part that international law has played (or failed to play) in the prevention or conduct of war, the promotion of human rights and international economic development.

## **Labor Law I**

A general introduction to the law of labor relations through an examination of the National Labor Relations Act and leading cases, in conjunction with historical, social and economic materials. Topics include organization, union recognition, unfair labor practices and collective bargaining.

## **Land Use**

A survey of legal doctrines, techniques and institutions relating to regulation of the use of real property. Topics covered include constitutional questions of takings by public agencies, the scope of the police power as it affects land use and the basic techniques of zoning and subdivision control. Students study, among other issues, recent cases on exclusion of low income housing, current techniques to encourage housing development (inclusionary or "linkage" regulations) and First Amendment questions arising from land use controls.

## **Legislation**

This course deals with the distinctive nature of legislation as a source of law. Topics for study include the legislative process, the role of legislatures and the theory and practice of statutory interpretation. Materials and lectures will be based in part on case studies taken from recent

Supreme Court and Congressional actions, particularly in the area of civil rights. One session will be a simulated legislative session. Several short legislative drafting assignments will be required.

### **Modern Real Estate Development**

This course will explore the basic elements of commercial real estate transactions, with a focus on the acquisition and financing of real estate development. We will discuss the economic considerations (including basic tax benefits) and risk elements of real estate development, as well as some of the emerging trends in real estate development and their theoretical implications. We will give limited consideration to residential real estate transactions. An affordable housing transaction will serve as the basis for the course discussions. Course materials will include typical transactional documents. During the term, one or more in-class drafting exercises will be included to help focus the discussion of the issues.

### **Non-Profit Organizations**

This course is about federal regulation of nonprofit organizations. The regulatory statute is the Internal Revenue Code. The method of regulation is to set conditions which organizations must meet if they are to be exempt from tax.

There is no prerequisite to this course. Although it is about the Internal Revenue Code, the concepts of income taxation (what is income? when is it income? etc.) are irrelevant because nonprofit organizations are exempt from tax.

### **Patent Law**

This course will provide an in-depth review of patent law and practice. The course will cover the administrative process for obtaining patents, including the requirements for patentability. The course will also cover enforcement of patent rights and the defense of patent infringement suits. The course will be presented in a simple, non-technical manner so that students of all disciplines can learn and understand the concepts.

### **+ Problems in Public Health Law**

This course will explore the rationales for using law to protect and preserve the public's health, the legal tools that may be used to achieve that end, and the conflicts and problems that may result from legal interventions. Topics discussed will include the use of law to reduce the spread of HIV and other infectious diseases, control of tobacco and other hazardous products, the role of law in influencing racial and class disparities in health, bioterrorism, and the civil liberties threats engendered by all such legal efforts. This course is highly recommended for all students enrolled in the J.D./M.P.H. dual degree program, but is open to other students as well.

### **Professional Responsibility**

This course focuses on the legal, ethical and professional dilemmas encountered by lawyers. Emphasis is on justice as a product of the quality of life that society provides to people rather than merely the process that the legal system provides once a crime or breach of duty has occurred. The course also provides students with a working knowledge of the American Bar Association's Model Rules of Professional Conduct and the Code of Professional Responsibility as well as an understanding of the underlying issues and a perspective within which to evaluate them. In addition, the course examines the distribution of legal services to poor and non-poor clients.

### **Sexuality, Gender and the Law**

The course uses case law, feminist theory and queer theory to address doctrinal problems and justice concerns associated with gender and sexuality. Topics include privacy, same-sex marriage, sodomy, sexual harassment, discrimination, among others. Students should expect to write a paper and share some of what they have learned with the class.

### **+ State and Local Government**

This course offers an introduction to the workings of state and local governments, and to the roles of law and of lawyers in shaping and controlling their operation. Topics covered include: the sources and scope of state and local lawmaking authority, intergovernmental relationships, modes of citizen participation in and control over the governing process, and state and municipal fiscal structure and operations. In exploring these topics, the course will focus both on the practical roles played by attorneys (employed inside or outside of government) in the governmental processes and on the place of decentralized governmental units within the vision of a democratic polity.

### **State and Local Taxation**

This course surveys the variety of regimes deployed by various states to fund state and municipal government, with primary attention to state income taxation of individuals and businesses, property taxation and sales taxes. Among the topics to be covered are federal and state constitutional constraints on state and local tax structures, alternative methods of state business taxation, and issues relating to the taxation of interstate activity. The course will approach these topics from the view points both of state tax policy-making and of taxpayer planning and representation.

### **Trusts and Estates**

This is a basic course in the law of wills and trusts. It covers intestacy, the law of wills including the formal requirements for a valid will, the use and application of various will substitutes such as inter vivos gifts and joint tenancies, and the basic law of trusts. To the extent feasible, issues are examined in a counseling and planning context.

### **+ Welfare Law**

This course examines American public assistance as a legal institution. After reviewing the historical, sociological and juridical roots of the welfare system, students examine the laws governing major assistance programs, especially eligibility requirements, rules governing grant determination, work and family rules, and procedural rights. Primary emphasis is on statutory and regulatory construction. The course explores methods by which lawyers can deal with the system: advocacy in the administrative process, litigation, legislative reform and representation of recipient organizations.

### **Wildlife and Ecosystems Law**

This course addresses legal requirements and institutions dealing with animal and plant species, biological resources, habitats, and ecosystems. Major themes include biological diversity, endangered and threatened species, public and private rights in migratory resources, public trust doctrine, the allocation of power among federal, state, and local governments, and the roles of administrative agencies in ecosystem

management. The course provides opportunities to explore specific topics of interest such as environmental ethics, wetlands protection, fisheries law, Native American hunting rights and fishing rights, and management of national parks, forests, and grazing lands.