

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## A Close Reading of McCulloch v. Maryland

**Course #:** 2649

**Term:** 2014FA

**Faculty:** Levinson, Sanford

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Reading Group

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

LEW302

**Course Description:**

I personally regard McCulloch as the richest and most important single opinion of the United States Supreme Court in our entire history. It is almost literally the case that each of its 72 paragraphs is worth close analysis, which, frankly, is basically impossible in a standard constitutional law course, given the pressures of moving on to the next case. This reading course, however, offers the opportunity to engage in a truly close reading and careful analysis of each of many issues raised by Marshall's arguments. The method will be Talmudic. That is, I envision that we will spend the twelve hours, spread over six classes, reading the opinion aloud and stopping along the way to discuss the issues raised (or in some cases suppressed) by the opinion.

For what it is worth, I do not view this as simply an antiquarian exercise. One cannot understand the current controversy over the Affordable Care Act, for example, without realizing that McCulloch is very much in play, particularly with regard to the meaning of the Necessary and Proper Clause.

It is, by the way, not a prerequisite that you have taken a course in constitutional law.

Note: The reading group will meet on the following dates: 9/8, 9/15, 9/22, 10/6, 10/27, 11/18.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Administrative Law

**Course #:** 2000      **Term:** 2014FA      **Faculty:** Sunstein, Cass      **Credits:** 3.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Wed 1:00 PM - 2:30 PM

Thu 1:00 PM - 2:30 PM

**Location**

WCC2012

WCC2012

**Course Description:** This course will examine the legal controls on government regulation, in areas as diverse as environmental law, national security, communications, foreign affairs, taxation, labor-management relations, and much more. Pervasive questions will involve the constitutional legitimacy of "the regulatory state"; the procedures that are supposed to improve and discipline agency decisions; the right to a hearing; the role of cost-benefit analysis; and the allocation of power between regulators and judges. A distinctive feature of the course will be frequent focus on democratic theory, on regulatory policy, and on how administrative law can actually make society work better or worse.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

## Administrative Law

**Course #:** 2000      **Term:** 2015SP      **Faculty:** Stephenson, Matthew      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

**Location**

**Course Description:** This course will study law-making and law-application by executive departments of the federal government. Using the material covered in the first-year "Legislation and Regulation" course as a foundation, this class will cover a variety of topics, including the legal framework (both constitutional and statutory) that governs administrative adjudication; the proper role of agencies in interpreting statutory and regulatory law; judicial review of agency decisions; public participation in agency rulemaking; and non-traditional approaches to regulation, including negotiation and privatization. The central theme of the course is how the law manages the tension between "rule of law" values (e.g., procedural regularity, accountability, and substantive limits on arbitrary action) and the desire for flexible, effective administrative governance.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Advanced Clinical Practice

**Course #:** 2001      **Term:** 2014FS      **Faculty:** Grossman, David; Caramello, Esme      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Thu 3:00 PM - 5:00 PM

**Location**

WCC3018

**Course Description:** Required Clinic Component: Harvard Legal Aid Bureau 3L (3 fall credits + 3 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: Evidence; Harvard Legal Aid Bureau 2L.

By Permission: Yes. This course is restricted to members of HLAB 3L.

Add/Drop Deadline: July 25, 2014.

LLM Students: LLM students are not eligible to enroll.

Multi-Semester: This is a fall-spring course (1 fall credit + 1 spring credit).

This workshop, which is required for all 3L members of the Harvard Legal Aid Bureau, provides students with the opportunity to engage in further critical self-reflection on their clinical experience, focusing on their roles as advocates, mentors, and law office managers and incorporating readings on issues of poverty law and legal services delivery. The class will be graded credit/fail.

Enrollment in this course is restricted to 3L Harvard Legal Aid Bureau members, and will not be in clinical registration. HLAB members in their 3L year in 2014-2015 will automatically be enrolled in this seminar.

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## Advanced Comparative Constitutional Law

**Course #:** 2679      **Term:** 2015SP      **Faculty:** Tushnet, Mark      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

**Course Description:** This seminar will deal with "cutting edge" issues in comparative constitutional law. Students will be expected to have substantial knowledge of at least one domestic constitutional system. A portion of the course will be devoted to developing and discussing substantial research projects in comparative constitutional law.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Advanced Legislation: Theories of Statutory Interpretation

**Course #:** 2441      **Term:** 2015SP      **Faculty:** Rabb, Intisar      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

**Course Description:** Most modern law is contained in statutes and administrative regulations, which lawyers tend to confront alongside case law in almost every area of practice. Building on basic concepts of Legislation and Regulation, this course aims to further explore the theories of the legislative process, judicial interpretation of statutes, and agency implementation of legislation. We will explore ongoing controversies about legislation, regulation, and interpretation, including deep debates about textualist, purposive and dynamic interpretation; about the use of legislative history and canons of construction; and about the constitutional foundations of statutory interpretation. Although there is no single subject matter focus of the course, a significant portion of the substantive areas of law will cover discrimination law, criminal law, and environmental law. Prerequisite: Legislation and Regulation or permission of the instructor to waive the prerequisite.

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## Advanced Readings in Japanese Law

**Course #:** 2317      **Term:** 2015SP      **Faculty:** Ramseyer, J. Mark      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** In this reading group, students will read a wide variety of law-related materials in the original Japanese language. Class discussion will cover both any language questions that arise, and the substance of the material discussed. Materials to be read will be announced prior to the course beginning. Admission is by permission of the instructor. Students interested in the course should email Professor Ramseyer (Ramseyer@law.harvard.edu) explaining their background in the language.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Advanced Readings in the Law of the Workplace

**Course #:** 2367      **Term:** 2015SP      **Faculty:** Sachs, Benjamin      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Employment & Labor Law

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** In this reading group, students will engage with scholarship on labor law, employment law, immigration law and other topics of relevance to the structure and regulation of work.

Prerequisites: Labor Law or Employment Law. LLM students with a background in labor or employment law should contact the instructor for permission to waive the requisite.

Note: The reading group will meet on the following dates: TBD.

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## Advanced Topics in Civil Procedure

**Course #:** 2695      **Term:** 2014FA      **Faculty:** Campos, Sergio      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

WCC5044

**Course Description:** This reading group will examine recent developments in the law of civil procedure, with a focus on personal jurisdiction, standing, and class actions. Readings will consist mostly of recent Supreme Court decisions with some supplemental articles.

Note: The reading group will meet on the following dates: 9/11, 9/25, 10/2, 10/16, 10/30, 11/13.

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## Advanced Topics in Insurance Law

**Course #:** 2704      **Term:** 2014FA      **Faculty:** Hay, Bruce      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

WCC3013

**Course Description:** This seminar explores an array of topics on the intersection of law and insurance, including: the history of insurance; the economics and psychology of risk and insurance; insurance and civil litigation; insurance and transactional practice; reinsurance and other secondary markets; catastrophe bonds and other contemporary innovations in risk management.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## American Indian Law

**Course #:** 2002      **Term:** 2015WI      **Faculty:** Anderson, Robert      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

**Course Description:** This course covers the history and fundamentals of modern federal Indian law in the United States. Topics include the relative bounds of federal, tribal and state jurisdiction over Indian country; hunting, fishing and gathering rights; Indian reserved water rights; and settlement of Alaska Native land claims. The casebook is Anderson, Berger, Frickey & Krakoff, American Indian Law, Second Edition (West 2010).

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## American Jury

**Course #:** 2003      **Term:** 2014FA      **Faculty:** Nesson, Charles      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 1:00 PM - 2:30 PM

WCC3019

Tue 1:00 PM - 2:30 PM

WCC3019

**Course Description:** With mythic origins in Magna Carta, a history intimately connected with struggles for liberty, cornerstone of constitutions of the states and United States of America, the American jury was once the bulwark of our liberty and the foundation of our law. Our class will engage the jury as history and practice. We will find it sick, institutionally speaking, weakened by racism wrapped in legalism, and urgently in need of competent legal representation, which we will seek to provide. Eclectic readings, audio-visual assignments, group work, and a supervised paper.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## American Legal History

**Course #:** 2004      **Term:** 2015SP      **Faculty:** Mann, Bruce      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal History

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** The seminar will examine the legal and constitutional history of late-colonial America and the early republic, an era that spans the middle of the eighteenth century to the first decades of the nineteenth. Reading for the seminar will include books, articles, amicus briefs, and some primary materials on topics such as the impact of law on the Revolution, the impact of the Revolution on law, crime and punishment, probing for original intent, the conservative and revolutionary roles of law in economy and society, and changing legal definitions of slavery, freedom, and dependence.

Each member of the seminar will prepare in advance of each class a two-page response to the reading assigned for that class. The final grade for the seminar will be based on class participation, the weekly written responses, and two other short papers.

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## American Legal History: Law and Social Reform, 1929-1973

**Course #:** 2586      **Term:** 2014FA      **Faculty:** Brown-Nagin, Tomiko      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal History

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 1:10 PM - 3:10 PM

HAU101

**Course Description:** This seminar considers issues in 20th-century movement for social reform from the perspective of legal history and the legal profession. It emphasizes matters of race, class and gender inequality and readings cover the black freedom struggle, women's rights, the labor movement and anti-poverty struggles. Students read legal cases and works of historical and legal scholarship.

Note: This course is jointly-listed with FAS as History 2474.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## An Introduction to American Law

**Course #:** 2135      **Term:** 2014FA      **Faculty:** Taggart, Christopher      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Thu 3:00 PM - 5:00 PM

**Location**

PND101

**Course Description:** This course introduces students trained as lawyers outside of the United States to the U.S. legal system, helping to supplement and put into context what they learn in their other courses at HLS. Included among the topics covered are: the basic structure and function of U.S. legal institutions; basics of subject matter and personal jurisdiction of American courts; the interaction of state and federal law in the American system of federalism; selected doctrines of constitutional law; selected topics pertaining to the American criminal and civil justice systems; and trial by jury. Students will see how the law is portrayed in film and will visit a federal district court in Boston. Throughout the course, students will be invited to share their experiences and compare the U.S. system with their own legal systems.  
Note: Enrollment is limited to foreign-educated LL.M. students.

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## An Introduction to Philosophy of Law

**Course #:** 2687      **Term:** 2015SP      **Faculty:** Goldberg, John      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

**Course Description:** What is law? What is the relationship of law to morality? What are legal rights and duties? What does it mean for a judge or citizen to "follow the law" or "apply the law"? This course will consider these and other basic questions of legal philosophy.

Readings will consist of excerpts from the writings of jurists including Dworkin, Hart, Fuller, and Raz, among others. Training in analytic philosophy will be helpful but is not required.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## An Introduction to Presidential Decisionmaking

**Course #:** 2725      **Term:** 2014FA      **Faculty:** Gray, Danielle      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

LEW214B

**Course Description:** This discussion/reading group will examine the process through which presidents arrive at major decisions. The goal is to give students a real-world perspective on how presidents make major policy decisions and the processes they employ to advance their agendas once they have reached those decisions.

Students will be assigned weekly background readings (providing relevant historical background and highlighting current events related to the week's topic) to help them develop an understanding of the competing equities and considerations that any president takes into account in confronting questions such as when to act unilaterally, how to advance major pieces of legislation in an era of divided government, and how to responsibly balance presidential priorities with norms to protect the institution of the presidency. Several legal themes will also be highlighted throughout: students will consider how the decision making process is impacted by fundamental questions of executive power and structural limitations on the exercise of that power; separation of powers; and civil rights and liberties.

Although the discussion group/seminar will cover a range of policy areas, each class will focus heavily on the process that led to various decisions - and factors that can prevent major presidential initiatives from being enacted or implemented successfully (from Congress to communications efforts to the courts). Drawing on contemporary case studies, several current and former government officials will be invited to participate as guest speakers.

Prerequisite: Enrollment is by permission of instructor. Interested students should email a CV and statement of interest to Ms. Gray at [dgray@omm.com](mailto:dgray@omm.com) by no later than Monday, August 25.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Analytical Methods for Lawyers

**Course #:** 2006      **Term:** 2014FA      **Faculty:** Spier, Kathryn      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

### Location

WCC1019

WCC1019

### Course Description:

Lawyers in almost every area of practice (litigation, corporate, government, public interest) deal routinely with problems that are usefully illuminated by basic business and economic concepts. This course is designed to teach the most important analytical methods to law students, in a manner that will be fully accessible to those with no prior quantitative training or background in the subjects covered. Using text, classroom activities, and written exercises, we will explore how these tools may be used to analyze concrete problems that arise in a wide range of legal practice settings. The course will consist of seven units:

1. Decision Analysis, Games and Information: Lawyers assist their clients in making a wide variety of decisions, ranging from the settlement of lawsuits to the purchase of property. We will explore a standard technique that has been developed to organize thinking about decision-making problems and to solve them. We will also consider strategic interactions between parties and considerations related to imperfect information.
2. Contracting: Lawyers write many contracts, concerning such matters as acquisitions of land or corporations, creation of partnerships and nonprofit entities, settlement of lawsuits, financing arrangements, and government procurement. This unit presents practical principles concerning what issues should be addressed in contracts and how they might best be resolved.
3. Accounting: Lawyers who counsel clients in conducting their affairs or who represent them in litigation must understand the parties financial circumstances and dealings, which often are represented in financial statements. Basic accounting concepts will be introduced, and the relationship between accounting information and economic reality will be examined.
4. Finance: Legal advice in business transactions, division of assets upon divorce, litigation, and many other matters require knowledge of valuation, assessment of financial risk, and comprehension of the relationships between those who provide financing and those who need it. We will consider basic principles of finance, such as present value, the tradeoff between risk and return, the importance of diversification, and basic methods for valuing financial assets.
5. Microeconomics: Lawyers need to understand their clients and other parties economic situations and opportunities as well as the principles that underlie many of the rules of our legal system. This unit presents basic economic concepts--the operation of competitive markets, imperfect competition, and market failures--that are necessary to this understanding.
6. Law and Economics: Legal rules have important effects on clients interests, which must be appreciated by lawyers who advise them and by judges, regulators, and legislators who formulate legal rules. We will explore these effects using the economic approach to law, with illustrations from torts, contracts, property, law enforcement, and legal procedure.
7. Statistics: Legal matters increasingly involve the use of statistics in business contexts, in the promulgation of government regulations, in the measurement of damages, in attempts to make inferences concerning parties behavior (such as those regarding discrimination in employment), and in determination of causation (in tort, contract, and other disputes). We will address the basic statistical methods, including regression analysis, as well as issues that commonly arise when statistics are used in the courtroom.

Prerequisites: This course is designed to be fully accessible to those with no prior quantitative training or background in the subjects covered.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Analytical Methods for Lawyers

**Course #:** 2006      **Term:** 2015SP      **Faculty:** Cope, David      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

### Location

### Course Description:

Lawyers in almost every area of practice (litigation, corporate, government, public interest) deal routinely with problems that are usefully illuminated by basic business and economic concepts. This course is designed to teach the most important analytical methods to law students, in a manner that will be fully accessible to those with no prior quantitative training or background in the subjects covered. Using text, classroom activities, and written exercises, we will explore how these tools may be used to analyze concrete problems that arise in a wide range of legal practice settings. The course will consist of seven units:

1. Decision Analysis, Games and Information: Lawyers assist their clients in making a wide variety of decisions, ranging from the settlement of lawsuits to the purchase of property. We will explore a standard technique that has been developed to organize thinking about decision-making problems and how to solve these problems. We will also consider strategic interactions between parties and considerations related to imperfect information.

2. Contracting: Lawyers write many contracts concerning such matters as acquisitions of land or corporations, creation of partnerships and nonprofit entities, settlement of lawsuits, financing arrangements, and government procurement. This unit presents practical principles concerning what issues should be addressed in contracts and how they might best be resolved.

3. Accounting: Lawyers who counsel clients in conducting their affairs, or who represent them in litigation, must understand the parties financial circumstances and dealings, which often are represented in financial statements. Basic accounting concepts will be introduced, and the relationship between accounting information and economic reality will be examined.

4. Finance: Legal advice in business transactions, division of assets upon divorce, litigation, and many other matters require knowledge of valuation, assessment of financial risk, and comprehension of the relationships between those who provide financing and those who need it. We will consider basic principles of finance, such as present value, the tradeoff between risk and return, the importance of diversification, and basic methods for valuing financial assets.

5. Microeconomics: Lawyers need to understand their clients and other parties economic situations and opportunities as well as the principles that underlie many of the rules of our legal system. This unit presents basic economic concepts--the operation of competitive markets, imperfect competition, and market failures--that are necessary to this understanding.

6. Law and Economics: Legal rules have important effects on clients interests, which must be appreciated by lawyers who advise them and by judges, regulators, and legislators who formulate legal rules. We will explore these effects using the economic approach to law, with illustrations from torts, contracts, property, law enforcement, and legal procedure.

7. Statistics: Legal matters increasingly involve the use of statistics in business contexts, in the promulgation of government regulations, in the measurement of damages, in attempts to make

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

inferences concerning parties behavior (such as those regarding discrimination in employment), and in determination of causation (in tort, contract, and other disputes). We will address the basic statistical methods, including regression analysis, as well as issues that commonly arise when statistics are used in the courtroom.

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### Animal Law

**Course #:** 2355

**Term:** 2015SP

**Faculty:** Stilt, Kristen

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Disciplinary Perspectives & Law; Regulatory Law

**Delivery Mode:** Course

#### Days and Times:

Mon 1:00 PM - 2:30 PM

Tue 1:00 PM - 2:30 PM

#### Location

#### Course Description:

This course will introduce students to the broad range of laws that affect non-human animals (animals), including companion animals, farm animals (with a particular focus on factory farms), animals used in the context of entertainment (such as zoos and aquaria), animals used in scientific experimentation, and wild animals. The course will focus mainly on the U.S. but will also include significant attention to the laws of other countries and to international law.

The course will also engage with fundamental questions about animals and the law, such as: Are some animals more deserving of protection than others, and if so, on what basis? What role does culture and belief play in animal law-why are dogs considered pets in the U.S. and food in some parts of the world, for example? Does the status of animals as property pose an insurmountable barrier to increasing protections for animals? What are the advantages and disadvantages of the concepts of animal rights and animal welfare?

Students will be evaluated on the basis of class participation; a group project; and a final exam (one-day take-home exam).

There are no prerequisites, and 1L students are welcome in the class.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Antitrust Law and Economics - US

**Course #:** 2007      **Term:** 2015SP      **Faculty:** Elhauge, Einer      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 10:40 AM - 12:00 PM

Tue 10:40 AM - 12:00 PM

Wed 10:40 AM - 12:00 PM

**Course Description:** This course covers U.S. antitrust law, which is the law that regulates the process of business competition, and the economic analysis that is relevant to understanding modern antitrust adjudication. Topics include horizontal agreements in restraint of trade, monopolization, vertical exclusionary agreements, vertical distributional restraints, price discrimination, and mergers. Prior economics background is not required because the course will teach you the relevant economics, and students have performed at the very top levels of the class without any prior economics background. Nonetheless, the course does involve a fair bit of economics, so students must be comfortable with that, and students have reported that they felt a prior background in economics is helpful for this class. The course will have weekly small sections led by former antitrust students to help with the economics and material in general.

The book for students who just plan to take this course will be Elhauge, U.S. Antitrust Law and Economics (2d ed. Foundation Press 2011). Students who plan to go on to take Antitrust Law and Economics - International should instead get Elhauge, Global Antitrust Law and Economics (2d ed. Foundation Press 2011), which includes both the U.S. and International portions.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Appellate Courts and Advocacy Workshop

**Course #:** 2426      **Term:** 2015WS      **Faculty:** Wolfman, Brian      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

Fri 9:50 AM - 11:50 AM

### Course Description:

Note: The credit breakdown for this course is as follows: three total credits with one classroom and one writing credit awarded during the winter term and one classroom credit awarded during in the spring term.

The Appellate Courts and Advocacy Workshop combines a substantive review of key appellate litigation doctrines concerning appellate jurisdiction, standards of review, and other topics, with an intensive advocacy component, including motion and brief writing. The course considers each stage of the appellate litigation process, beginning with a general overview, moving to the various bases for appellate jurisdiction in the federal courts, then discussing standards of review, and concluding with an intense review of the anatomy of an appellate brief. We will also briefly consider U.S. Supreme Court practice. Students considering appellate court clerkships after graduation may find this course useful.

There are about a half dozen small to medium-sized writing assignments, which have two purposes: They introduce students to an aspect of appellate practice, and they demand application of one or more of the course's doctrinal topics. In addition to these smaller assignments, students are also responsible for writing an appellate brief. For all assignments, students are provided copies of relevant practice rules, statutes, cases, and other items. No outside research is involved.

The doctrinal portion of the course, and the corresponding small to medium-sized writing assignments, will be covered during the first five days of the January Term and five consecutive Friday mornings beginning on January 30. The appellate brief also will be completed during the Spring Term. In addition to classroom sessions, each student will have a one-on-one meeting with the teacher to review a draft appellate brief. Students who are considering enrolling in this course should read the more detailed course description located at <http://www.citizen.org/documents/hlsdetaileddescription2014.pdf>.

The instructor, Brian Wolfman, is Visiting Professor of Law at Georgetown University Law Center (GULC) and co-Director of GULC's Institute of Public Representation, where he directs a student-based clinic that handles a mix of individual civil rights cases and impact public-interest litigation. He is the former Director of Public Citizen Litigation Group, a public-interest law firm in Washington, D.C., where he practiced for nearly 20 years. He has litigated dozens of cases in courts of appeals and in the Supreme Court.

Spring meeting dates: January 30, February 6, 13, 20, and 27.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Art of Social Change

**Course #:** 2011      **Term:** 2015SP      **Faculty:** Bartholet, Elizabeth      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Criminal Law & Procedure; Family, Gender & Children's Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** This course deals with strategies for changing law and policy, focusing on the areas of child welfare (abuse and neglect, foster care, adoption), education, and juvenile justice. We will bring into the classroom as visiting lecturers leaders from the worlds of policy, practice, and academia -- people who have themselves operated as successful change agents and who represent different disciplines, career paths, and strategies for change. We will explore some of the most significant reform initiatives in our targeted areas, and debate with the speakers and each other how best to advance childrens interests. Receptions will follow the class meetings, enabling students to talk informally with the visiting speakers, as well as with the HLS Faculty and those from the Boston-area child advocacy community who form a regular part of our audience. Click here for a schedule of the speakers and topics for last years course.

Course requirements consist of brief questions/reactions related to the readings and class presentations, turned in weekly.

This course is part of the Child Advocacy Program (CAP), whose other courses are: Child, Family, and State (alternating years), Family Law (alternating years), the Child Advocacy Clinic, and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required.

Cross-registrants are welcome.

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## Bankruptcy

**Course #:** 2013      **Term:** 2014FA      **Faculty:** Roe, Mark      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:20 PM - 2:40 PM

LAN225

Thu 1:20 PM - 2:40 PM

LAN225

Fri 1:20 PM - 2:40 PM

LAN225

**Course Description:** This basic bankruptcy course covers the major facets of bankruptcy that influence business financing transactions. Much of the deal-making in a financing transaction is negotiated in anticipation of a possible reorganization in Chapter 11 or of a private reorganization in its shadow. For many lawyers, contact with bankruptcy law is anticipatory and not in front of the bankruptcy judge. When feasible, students will read not just bankruptcy court opinions and the Bankruptcy Code, but materials that financing lawyers use day-to-day: a bond indenture, a prospectus, a complaint in a loan dispute, and SEC submissions. Students will ordinarily participate in a simulated Chapter 11 reorganization. Students without prior exposure to business should take Corporations concurrently.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Bankruptcy

**Course #:** 2013      **Term:** 2015WI      **Faculty:** Triantis, George      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

**Course Description:** This course concerns the law and finance of corporate bankruptcy with an emphasis on reorganization. The course reviews the fundamentals of debt contracting, including the role of events of default, debt priority and security interests. The course examines various aspects of the bankruptcy process: including the automatic stay, the avoidance of prebankruptcy transactions (e.g. fraudulent conveyances and preferences), the treatment of executory contracts, the debtors governance structure during bankruptcy, the financing of operations and investments in bankruptcy, sales of assets during bankruptcy, and the process of negotiating, voting, and ultimately confirming a plan of reorganization. Evaluation by written examination.

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## Bankruptcy Deal-Making

**Course #:** 2562      **Term:** 2014FA      **Faculty:** Roe, Mark      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

### Location

Tue 5:00 PM - 7:00 PM

WCC4059

**Course Description:** In this course, students will examine the documents and concepts underlying deals made in key bankruptcy transactions.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Becoming a Law Professor

**Course #:** 2416      **Term:** 2015SP      **Faculty:** Tobin, Susannah      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Not Applicable

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Mon 10:30 AM - 11:30 AM

**Course Description:** There are many elements that go into becoming a law professor, but at the core of the process of moving from law student to law professor is scholarship. How do you choose your topic? How do you write an article? What will become your area of expertise? What have others written about this subject area, and how do you break new ground? How do you engage with fellow scholars in the midst of the writing process?

This reading group will focus on the generative scholarly process that is at the center of the life of the law professor. Each week, a member of the faculty will present a working draft of her or his scholarship, and that piece will be discussed by the group. Discussions will focus in part on the genesis of the research project being presented, in order to demonstrate how articles develop from the first spark of an idea to final publication. Students will also explore substantive issues raised in the pieces, the better to become familiar with the latest work being done across a variety of subject areas. Students will also develop their own research and scholarly agendas as the semester progresses.

Admission is by application via email to Susannah Barton Tobin at [stobin@law.harvard.edu](mailto:stobin@law.harvard.edu) by October 15, 2014. Please include a paragraph expressing your interest in the reading group and a CV and transcript.

As is the norm with reading groups, there will be no examination or paper requirement, and the class will be graded credit/fail.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Behavioral Economics, Law and Public Policy

**Course #:** 2589      **Term:** 2015SP      **Faculty:** Sunstein, Cass      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** This seminar will explore a series of issues at the intersection of behavioral economics and public policy. Potential questions will involve climate change; energy efficiency; health care; and basic rights. There will be some discussion of paternalism and the implications of neuroscience as well.

Prerequisite: Instructor permission is required. Please send a statement of interest and your resume to Kevin Doyle at (kdoyle@law.harvard.edu) by Friday, October 31.

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## Behavioral Law and Economics

**Course #:** 2680      **Term:** 2014FA      **Faculty:** Bar-Gill, Oren      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

WCC3034

**Course Description:** Behavioral Law and Economics (BLE), as an alternative to traditional Law and Economics, is capturing the imagination of scholars and policymakers. BLE-inspired legal policy reforms are appearing in diverse fields - from retirement savings, to organ donations, to consumer contracts and beyond. We will explore the foundations of BLE and critically evaluate the growing number of legal policy reforms that build on the findings of BLE.

Note: The reading group will meet on the following dates: 9/10, 9/17, 9/24, 10/1, 10/8 and 10/15.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Boards of Directors and Corporate Governance

**Course #:** 2613      **Term:** 2015SP      **Faculty:** Coates, John      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

### Days and Times:

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

Wed 1:10 PM - 3:10 PM

### Location

### Course Description:

This upper-level course covers uses case studies to examine the central role of the board of directors in the governance of business corporations, and the relationships between the board and other key actors in corporate governance. This course is taught jointly with Harvard Business School Professor Jay Lorsch. Students who take this course will be required to meet at HBS, and to work together in teams with HBS students on joint projects. Grades will be based on participation and team-based paper projects. Students with questions on course format and content should direct them to Professor Coates. (A prior version of this course included all of the material normally taught in Corporations courses; this version will require Corporations as a pre-requisite, and is aimed at those wanting a more in-depth look at corporate law in practice.)

### Why This Course?

Most HLS graduates will directly advise corporate boards, and many will also serve on them. Boards are the ultimate authority in all companies, public and private, around the world. Many HBS and HLS graduates will manage or advise private equity, hedge or other funds invested in corporations, or advise large shareholders of corporations, and many will engage in professional services related to corporate transactions that require board and/or shareholder approval. For these reasons, understanding what boards are supposed to do, how they function, what issues they have to confront - both legal and practical - are essential knowledge for HLS graduates. The course is designed to include equal numbers of both HBS second-year and Harvard Law School third-year students and will be co-taught with Professor Jay Lorsch from the business school. This is to enable students from HLS and HBS to learn together about boards and corporate governance and also to understand each other's professional perspectives.

To even the most experienced leaders, corporate governance is complicated and dynamic. The responsibility and functioning of corporate boards are often unclear and misunderstood. The relationships among boards, shareholders, and senior executives, especially the CEOs, are varied and complex, and sometimes fraught with conflict. One goal of this course is to lift this foggy uncertainty and provide you a clear understanding of corporate governance: what boards do and why many are effective, while others fail, leading to problems for their company, its executives, and shareholders, as well as the board itself.

A clear understanding of how boards function, is a prerequisite for being effective not only as a director, but as a senior executive and as a shareholder. Such understanding will also be helpful in a career as a consultant, investor, or corporate lawyer by providing you with tools that will allow you to be an effective advisor to top management and corporate boards.

### Course Objectives

Thus the primary course goal is to teach you what it means to be a director. You will gain an understanding of the legal, financial, strategic and behavioral issues with which directors must contend. When you enter a boardroom in the future, you will do so with a framework for understanding the complex dynamics among directors, executives, and their shareholders. You will also have an understanding of key elements of the work boards must do including, strategic reviews, selecting, evaluating and compensating CEOs and other senior executives, director

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

selection, and dealing with various corporate crises. You will also gain an appreciation of the costs and rewards of board service.

A related goal is to acquaint you with the broader corporate governance systems in the U.S. and other major countries. The phrase corporate governance system refers to the institutional system of stock markets, government regulatory agencies, professional firms, as well as boards, which are expected to oversee corporate activities. From this perspective, the course will also provide an understanding of why there have been so many corporate and financial failures and scandals in recent years. We also shall discuss the changes in boardroom processes being made in the hope of preventing such problems in the future.

While the primary focus will be on U.S. public companies, we shall also devote time to consider these issues not only in other countries but also in the governance of private companies, e.g. private equity, venture capital backed enterprises, family-owned and non-profit organizations.

### Course Content and Organization

The course consists of twenty classes. The first module provides a basic introduction to the institutions that affect boardroom dynamics. We will also begin with an examination of the role of shareholders and their relationship to boards, and focus briefly (as a recap for law students, and an intro for business students) on the legal situation of board members.

In the second module, we shall discuss the activities of boards under normal circumstances, including who serves on boards, the nature of director and CEO dynamics, the boards role in strategy, in selecting, evaluating and rewarding the CEO, and in assuring transparent financial reporting.

The next module will focus on the governance of private companies, e.g. family-owned, private equity and venture capital-backed companies as well as nonprofit organizations.

In the final module, we will examine how boards deal with the many crisis situations they face, such as hostile takeovers, CEO dismissals, succession and compensation, and unhappy shareholders.

The course will be open to both HBS and HLS students, and we will seek to have a rough balance between the two. Finally, both HBS and HLS students will be expected to complete group projects related to the course content. Students will be divided into teams consisting of both HBS and HLS students, with the goal of encouraging each group of future professionals to develop an appreciation for the characteristics of the others background, skills and training. Projects should focus on issues recently faced by boards of a public or private company or of a non-profit. They may also examine changing norms and regulations within the broader corporate governance system in the U.S. or other countries. The faculty will provide assistance in identifying relevant topics, and must approve each groups topic.

### Learning and Evaluation

The basic learning for the course takes place through preparation for and participation in class discussion. Class participation - not just frequency, but also quality and your contribution to moving the discussion forward - will count for 50% of the grade. Written projects will account for the other 50% of the grade.

The course will meet on Mondays and Tuesdays from 1:10 - 3:10pm along with some Wednesdays. This course will meet at HBS only.

In lieu of a casebook, HLS students will be expected to pay a materials fee to HBS to cover the standard cost of the cases we will read for the class.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

Prerequisite: Corporations is a prerequisite for this course. Please note, this course is open to 3Ls and LLMs only.

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## Business Strategy for Lawyers

**Course #:** 2015      **Term:** 2015SP      **Faculty:** Spier, Kathryn      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

**Location**

**Course Description:** This course presents the fundamentals of business strategy to a legal audience. The class sessions include both traditional lectures and business-school case discussions. The lecture topics and analytical frameworks are drawn from MBA curriculums at leading business schools. The cases are selected for both their business strategy content and their legal interest. The main course material is divided into four parts. The first part presents the basic frameworks for the analysis of strategy. The topics include economic and game theoretic approaches to strategy, competitive advantage and industry analysis. The second part is concerned with organizational and contractual responses to agency problems. Topics include pay-for-performance, corporate control, and the design of partnerships and other business associations. The third part takes a broader view of business associations, considering the horizontal and vertical scope of the firm and the advantages of hybrid organizational forms such as franchising and joint ventures. The fourth part covers special topics in competitive strategy, including product differentiation, tacit collusion, facilitating practices, network externalities, market foreclosure, and innovation. This course is well-suited for students interested in economic analysis of the law with a strong business and industry focus. Because of the significant overlap with the MBA curriculum, this class is not appropriate for students in the JD-MBA program. Since the lectures and assignments focus on abstract frameworks and theoretic approaches, a basic familiarity with economic reasoning and algebra is assumed. Requirements include several analytical assignments, frequent in-class evaluations, and a final exam. Some exposure to microeconomics or a related discipline (e.g., Analytical Methods, Law & Economics, an undergraduate class in economics, finance, engineering, etc.). Familiarity with algebra is assumed. Students who are unsure should contact the professor.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Business Valuation and Analysis

**Course #:** 2090      **Term:** 2015SP      **Faculty:** Dharan, Bala      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

**Location**

**Course Description:** This 3-unit spring course is designed to help students develop business valuation and related financial analysis skills. The following topics will be covered: how a firm's business strategy and its operating and financial characteristics affect its valuation; review of basic corporate financial reports and disclosures that serve as inputs to valuation analysis; analysis of financial ratios to measure financial risks and returns; analysis of financial disclosures to identify red flags of potential distress or earnings manipulation; valuation issues with taxes, intangibles and financial investments; developing cash flow forecasts; and integrating the above tools and techniques to determine the valuation of a firm's equity. Students will learn common valuation methods such as discounted cash flow analysis and earnings based valuation, and also learn to use other approaches used in the valuation industry such as the use of valuation multiples and comparable transactions analysis. Examples from court cases involving valuation disputes will be used to illustrate practical valuation problems. The course will be relevant for students in the Law and Business program of study, and to others who wish to prepare for careers in capital markets, corporate transactions, commercial litigation, mergers and acquisitions, and other related areas.

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## Capital Markets Regulation

**Course #:** 2018      **Term:** 2015SP      **Faculty:** Scott, Hal; Glauber, Robert      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

**Course Description:** Examination of the structure, competitiveness and social utility of U.S. capital markets as the basis for considering the range of proposals for financial regulatory reform growing out of the recent world-wide financial crisis. Specific topics will likely include: mechanisms for controlling risk in financial institutions, particularly capital and liquidity requirements; the unique problem of systemic risk; dealing with illiquid and insolvent institutions, including resolution authority; optimal regulatory structure; reform of securitization; regulation of derivatives trading; consumer protection; the future of Fannie Mae and Freddie Mac; the role and regulation of credit rating agencies; regulating executive compensation, particularly as it affects systemic risk. Classes will be primarily based on interactive discussion, but will also include lectures and regular guest speakers. Required written work will be a final take-home examination. The course assumes a basic understanding of finance and financial markets, but requires no prior professional or academic work in this field.

Note: This course is jointly-listed with HKS as BGP-264.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Capital Punishment Clinic

**Course #:** 8005      **Term:** 2015WS      **Faculty:** Sullivan, Ronald      **Credits:** 5.00

**Type:** HLS Clinic      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Capital Punishment in America (3 fall credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. Additional Co-/Pre-Requisites: Criminal Law. Students must enroll in this class independently (there is no clinic preference or priority). Failure to meet the pre/co-requisite by the clinic's add/drop deadline will result in the student being dropped from this clinic.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Multi-Semester: This is a winter-spring clinic (2 winter credits + 2-4 spring credits).  
Placement Site: Various externship placements.  
The Capital Punishment Clinic offers opportunities for students to represent clients with capital sentences through placements at capital punishment resource centers, organizations, law firms, and governmental agencies throughout the country. Clinical work is full-time and on-site during the winter term, and continues on a part-time and remote basis in the spring term. This clinic is graded Credit/Fail.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Capital Punishment in America

**Course #:** 2020      **Term:** 2014FA      **Faculty:** Steiker, Jordan      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure

**Delivery Mode:** Course

**Days and Times:**

Mon 1:00 PM - 2:30 PM

Tue 1:00 PM - 2:30 PM

**Location**

LAN272

LAN272

**Course Description:** This course considers the legal, political, and social implications of the practice of capital punishment in America, with an emphasis on contemporary legal issues. The course will frame contemporary questions by considering some historical perspectives on the use of the death penalty in America and by delving into the moral philosophical debate about the justice of capital punishment as a state practice. It will explore in detail the intricate constitutional doctrines developed by the Supreme Court in the four decades since the Court "constitutionalized" capital punishment in the early 1970s. Doctrinal topics to be covered include the role of aggravating and mitigating factors in guiding the sentencers decision to impose life or death; challenges to the arbitrary and/or racially discriminatory application of the death penalty; the ineligibility of juveniles and persons with intellectual disabilities for capital punishment, limits on the exclusion and inclusion of jurors in capital trials; allocation of authority between judges and juries in capital sentencing; and the scope of federal habeas review of death sentences, among other topics.

Prerequisite: Criminal Law

Some seats are reserved for students enrolled in the Capital Punishment Clinic. Students must be enrolled in the clinic before they can be enrolled in one of these reserved seats. A student's enrollment in a reserved clinical seat is dependent on the student's enrollment in the Capital Punishment Clinic. Please see the clinic's description for more information or contact the Office of Clinical and Pro Bono Programs.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Challenges of a General Counsel

**Course #:** 2475      **Term:** 2014FA      **Faculty:** Wilkins, David; Heineman, Benjamin      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC3034

**Course Description:** Distinguished Visitor from Practice Michael Solender, General Counsel at Ernst & Young LLP, also will participate in the seminar.

This course will explore the three fundamental roles of lawyers---acute technician, wise counselor and lawyer as leader---in a series of problems faced by general counsel of multi-national corporations. The "cases" in this course involve questions beyond "what is legal" and focus on "what is right", using specific illustrations drawn from the contemporary business world -- e.g. the BP oil spill, Google's clash with the Chinese government, the Mark Hurd resignation from Hewlett Packard, the News Corp hacking scandal. These cases involve a broad range of considerations: ethics, reputation, risk management, public policy, politics, communications and corporate citizenship. The course will advance for critical analysis the idea of the general counsel as lawyer-statesman who has a central role in setting the direction of the corporation but who must navigate complex internal relationships (with business leaders, the board of directors, peer senior officers, the bureaucracy) and challenging external ones (with stakeholders, governments, law firms, NGOs and media in nations and regions across the globe). The course advances a broad view of lawyers' roles and examines the skills, beyond understanding law, required in complex problem-solving by the lawyer-statesman. Students will be expected to write short 2-3 page "response papers" on the readings each week. Students will also write a short 10-12 page paper, either responding to a scenario similar to the ones discussed in class, or on another topic approved by the instructors. Grades will be based 50% on class participation and the response papers (which will be graded pass/fail) and 50% on the paper at the end of the term.

This seminar does not satisfy the Professional Responsibility requirement.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Child Advocacy Clinic

**Course #:** 8001      **Term:** 2015SP      **Faculty:** Bartholet, Elizabeth      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Child Advocacy Clinical Seminar (2 spring credits). Once a student enrolls in the clinic, the Office of Clinical and Pro Bono Programs will enroll them in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 8, 2014.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Various externship placements. Click here for a master list of placement sites since CAPs inception.  
The CAP Clinic is designed to educate students about a range of social change strategies and to encourage critical thinking about the pros and cons of different approaches. The CAP Clinic includes both a classroom seminar and clinical fieldwork component. A variety of substantive areas impacting the lives of children are addressed with a focus on child welfare (abuse and neglect, foster care, and adoption), education, and juvenile justice. The Clinic is relevant for students not only with a particular interest in children's issues but also for those more generally interested in social change.  
Enrollment Options: The Child Advocacy Clinic offers two different clinical fieldwork options: a spring-only clinic and a winter-spring clinic. This offering is for the spring Child Advocacy Clinic. Spring clinical students work part-time (15-20 hours/week for 3-4 clinical credits) at local organizations in the Greater Boston area. Enrollment in the spring clinic is capped at 14 students.  
Fieldwork Component: Students are placed in a wide array of fieldwork settings, ranging from organizations providing individual advocacy, to those promoting systemic change through impact litigation and legislative reform, to grassroots organizing initiatives, to social enterprises. Some students will work for reform from within the system and others from outside. Students will work on different types of projects such as: engage in courtroom advocacy; participate in school and home visits; assist with interviews of child victims; analyze social science and psychological research; leverage the media and write op-ed articles; prepare for city council or legislative hearings; provide trainings to youth, parents, teachers, attorneys, and police officers; develop legislative reform proposals; participate in mediations; and provide strategic advice to start-ups.  
For instance:  
In the child welfare area, CAP students may represent individual children who are abused and neglected, serve alongside District Attorneys prosecuting caretakers accused of child maltreatment, or work with a new social venture to engage the media to promote the interests of foster care youth.  
In the education area, CAP students may engage in efforts to advance educational outcomes for low-income students, participate in a campaign to provide children access to high quality early education, work with a city councilor to improve Boston inner-city schools, or work with the state agency charged with overseeing schools on issues such as charter schools, assessment and accountability, student rights, and school discipline.  
In the juvenile justice area, CAP students may support legislative changes to improve conditions of confinement for juveniles, promote policies to reform the justice system for youth of color, develop programs to improve police-youth interactions, or join efforts to combat life without parole sentences for juveniles.  
Many placements cut across substantive areas. Students may serve as law clerks in the juvenile court, alongside mediators to resolve disputes involving children, with a non-profit serving

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

homeless children, or with a medical-legal collaborative aimed at improving child well-being. Matching Process: Once enrolled in the Clinic, CAP will provide students a list of fieldwork placement sites and possible projects. Students will give CAP information about their background and interests and rank their placement preferences. They will be matched with a placement to the degree possible in accordance with their preferences.

Visit the CAP website for a list of organizations where clinic students have been placed in prior years.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Child Advocacy Clinic

**Course #:** 8001      **Term:** 2015WS      **Faculty:** Bartholet, Elizabeth      **Credits:** 6.00

**Type:** HLS Clinic      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Child Advocacy Clinical Seminar (2 spring credits). Students must enroll in this clinic before they are permitted to enroll in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: November 3, 2014.  
LLM Students: LLM students are not eligible to apply.  
Multi-Semester: This is a winter-spring clinic (2 winter credits + 3-4 spring credits).  
Placement Site: Various externship placements. Click here for a master list of placement sites since CAPs inception.  
The CAP Clinic is designed to educate students about a range of social change strategies and to encourage critical thinking about the pros and cons of different approaches. The CAP Clinic includes both a classroom seminar and clinical fieldwork component. A variety of substantive areas impacting the lives of children are addressed with a focus on child welfare (abuse and neglect, foster care, and adoption), education, and juvenile justice. The Clinic is relevant for students not only with a particular interest in children's issues but also for those more generally interested in social change.  
Enrollment Options: The Child Advocacy Clinic offers two different clinical fieldwork options: a spring-only clinic and a winter-spring clinic. This offering is for the winter-spring Child Advocacy Clinic. Students engage in full-time work in the winter and part-time work (15-20 hours/week for 3-4 clinical credits) in the spring. Enrollment is capped at 8 students.  
Fieldwork Component: The winter-spring clinic places students with model organizations throughout the U.S. and even internationally. Most students are placed in a distant placement for the winter term. Students return to Cambridge in the spring and continue working remotely for the same organization. One or two students might be placed locally, working full-time in the winter for a Boston-area organization and then part-time at the same organization in the spring. Students will be placed in a wide array of fieldwork settings, ranging from organizations providing individual advocacy, to those promoting systemic change through impact litigation and legislative reform, to grassroots organizing initiatives, to social enterprises. Some students will work for reform from within the system and others from outside. Students placed remotely through the winter-spring option will not primarily be engaged in direct service work. Students will work on different types of projects - some of which are hands on - such as: draft memoranda and briefs for litigation; develop legislative reform proposals; analyze social science and psychological research; leverage the media; engage in written work for a variety of types of publications (legal journals, popular press, guides for practitioners, content for websites); provide strategic advice to start-ups; create, conduct, and analyze interviews. For instance:  
In the child welfare area, students may work with a leading boutique impact litigation firm challenging states' treatment of youth in foster care; with a new social venture to engage the media to promote the interests of foster care youth; with a model problem solving court for drug addicted parents.  
In the education area, students may work alongside lawyers and community organizers to advocate for improved educational opportunities for low-income students; engage in efforts to ensure incarcerated youth receive high quality schooling.  
In the juvenile justice area, students may develop trainings in best practices for staff at juvenile incarceration facilities; fight for improved conditions of confinement for juveniles; advocate for offenders who have received life without parole sentences as juveniles.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

Matching Process: Once enrolled in the Clinic, CAP will provide students a list of fieldwork placement sites and possible projects. Students will give CAP information about their background and interests and rank their placement preferences. They will be matched with a placement to the degree possible in accordance with their preferences.

Visit the CAP website for a list of organizations where clinic students have been placed in prior years.

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### Child Advocacy Clinical Seminar

**Course #:** 2021      **Term:** 2015SP      **Faculty:** Bartholet, Elizabeth      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Required Clinic Component: Child Advocacy Clinic, either during the winter-spring (2 winter credits + 3-4 spring credits) or spring (3-4 spring credits). Students must enroll in one of the two clinic offerings (winter-spring or spring) before they are permitted to enroll in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: November 3, 2014 for winter-spring clinical students. December 8, 2014 for spring clinical students.

LLM Students: LLM students are not eligible to enroll in the winter-spring clinic. LLM students may apply to the spring clinic by submitting an application.

The CAP Clinic is designed to educate students about a range of social change strategies and to encourage critical thinking about the pros and cons of different approaches. The CAP Clinic includes both a classroom seminar and a clinical fieldwork component. There are two different clinical fieldwork options: (1) Winter-spring clinic and (2) spring clinic. A variety of substantive areas impacting the lives of children will be addressed with a focus on child welfare (abuse and neglect, foster care, and adoption), education, and juvenile justice. The Clinic is relevant for students with a particular interest in children's issues but also for those more generally interested in social change.

During the spring seminar, students bring into the classroom their varied experiences, not only discussing specific cases/projects they are engaged in, but also their organization's larger vision for improving conditions for children and families. Students have the chance to reflect on which strategies in the field are working and why. Each student gives one presentation during the term, often in combination with the fieldwork supervisor.

Regular classroom attendance and active participation in discussion is required. Grading will be based on a combination of each student's presentation and related packet, contributions to class discussion throughout the term, and clinical fieldwork.

Once enrolled in the Clinic, CAP will provide students a list of fieldwork placement sites and possible projects. Students will give CAP information about their background and interests and rank their placement preferences. They will be matched with a placement to the degree possible in accordance with their preferences. Visit the Child Advocacy Program (CAP) website for more about the Clinic, including frequently asked questions and answers.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Child, Family and State

**Course #:** 2023      **Term:** 2014FA      **Faculty:** Bartholet, Elizabeth      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law

**Delivery Mode:** Course

**Days and Times:**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Location**

WCCB015

WCCB015

**Course Description:** This course will focus on children's rights and interests in the context of family and child welfare. We will consider how our society shapes the meaning of childhood, and what role the government does and should play in supporting families so that they can provide children with appropriate nurture. We will assess the potential of programs designed to provide special support to fragile families, such as early home visitation and family preservation. We will look at how law divides responsibility for children between parents and the state, and consider how the balance should be drawn. We will look at law and policy governing parent rights, child abuse and neglect, foster care, adoption (domestic and international), education, and juvenile justice. Throughout we will think about how we could change law and policy to create a better world for children and families.

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## China and Hong Kong under the "One Country, Two Systems" Principle

**Course #:** 2702      **Term:** 2014FA      **Faculty:** Lau, Ming Wai      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

Tue 5:00 PM - 7:00 PM

Wed 5:00 PM - 7:00 PM

**Location**

WCC4061

WCC4061

**Course Description:** This Reading Group will study the One Country, Two Systems constitutional principle that governs the relationship between China and Hong Kong. In its sixteen years of operation, this unique principle has brought about many challenges and opportunities in the legal, economic, social, and cultural realms. Reading materials will include constitutional documents, statutes and cases, business and economic reports, and various media publications.

Note: The reading group will meet over a three-week period, October 6-24.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## China and the World

**Course #:** 2650      **Term:** 2014FA      **Faculty:** Alford, William      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

Thu 7:00 PM - 9:00 PM

**Location**

WCC5048

**Course Description:** This Reading Group will examine the role that China has been playing in a world order in flux. Models of development, trade, and rights are among the areas likely to be addressed. We will consider, inter alia, China's engagement of existing global norms, ways in which China may (or may not) now or in the foreseeable future be shaping such norms, and their impact on China. The intention is to hold some of our likely 6 2-hour sessions of the Reading Group jointly with a comparable class at Renmin University of China, via electronic means - hence, our evening meeting times.

Prerequisite: Admission to the course is by permission of the instructor, with the goal being to achieve a balance of students from different backgrounds. Please email your CV and a two paragraph statement of interest to Professor Alford [alford@law.harvard.edu](mailto:alford@law.harvard.edu) and copy his assistant, Emma Johnson, [johnson@law.harvard.edu](mailto:johnson@law.harvard.edu) by July 30 at the latest and preferably sooner.

Note: The reading group will meet on the following dates: TBD.

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## Christianity and the Rule of Law

**Course #:** 2701      **Term:** 2015SP      **Faculty:** Skeel, David      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Reading Group

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

**Course Description:** This reading group will focus on Christian perspectives on the proper role of the secular law. After briefly considering the classical perspectives offered by Augustine, Thomas, Calvin and Luther, we will explore some of the key (primarily Protestant) thinkers and movements of the past century, including Abraham Kuyper, William Jennings Bryan, Reinhold Niebuhr and more recent insights into the relationship between Christianity and law.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Civil Liberties and the Second Reconstruction: Problems of suppression, violence, and covert disruption

**Course #:** 2698      **Term:** 2015WI      **Faculty:** Kennedy, Randall      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal History

**Delivery Mode:** Course

### Days and Times:

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

### Location

**Course Description:** This course will examine the ways in which the legal system responded to (1) efforts by segregationist states to eradicate or stymie the National Association for the Advancement of Colored People (NAACP), (2) efforts by white supremacists to intimidate civil rights activists, and (3) efforts by the federal government, principally the Federal Bureau of Investigation (FBI), to spy upon and disrupt dissidents who were deemed to be "dangerous."

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## Civil Procedure 1

**Course #:** 1000      **Term:** 2014FA      **Faculty:** Cohen, I. Glenn      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Wed 1:20 PM - 2:40 PM

Thu 1:20 PM - 2:40 PM

Fri 1:20 PM - 2:40 PM

### Location

WCC1019

WCC1019

WCC1019

**Course Description:** This course examines the theory and practice of civil litigation, and the rules and statutes that govern the process by which substantive rights and duties are enforced in federal and state courts (with a focus on the federal courts). Topics include the proper reach of judicial authority, personal and subject matter jurisdiction, pleading, motions practice, joinder of parties and claims, pretrial discovery, the relationship of procedure to substantive law, the Erie doctrine, post-trial procedure and claim and issue preclusion.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Civil Procedure 2

**Course #:** 1000      **Term:** 2014FA      **Faculty:** Greiner, D. James      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

**Location**

WCC1010

WCC1010

**Course Description:** This course covers what should, should not, and does happen when someone files (or considers filing) a civil lawsuit.

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## Civil Procedure 3

**Course #:** 1000      **Term:** 2014FA      **Faculty:** Rubenstein, William      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Location**

WCC1015

WCC1015

WCC1015

**Course Description:** This course examines the theory and practice of civil litigation, and the rules and statutes that govern the process by which substantive rights and duties are enforced in federal and state courts. Special attention is paid to the goals, values, costs, and tensions underlying an evolving adversarial system of adjudication. Topics include the proper reach of judicial authority, personal and subject matter jurisdiction, pleading, motions practice, joinder of parties and claims, pretrial discovery, the relationship of procedure to substantive law, trial by jury, post-trial procedure, Erie, and claim and issue preclusion.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Civil Procedure 4

**Course #:** 1000      **Term:** 2014FA      **Faculty:** Rubenstein, William      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Mon 1:20 PM - 2:40 PM	WCC1015
Tue 1:20 PM - 2:40 PM	WCC1015
Wed 3:20 PM - 4:40 PM	WCC1015

**Course Description:** This course studies the processes that courts follow in deciding disputes in noncriminal cases. It deals with the way in which conflicts are framed for courts, the stages through which litigation goes, the division of power among the various decision-makers in the legal system and between the state and federal courts, the territorial limitations on the exercise of judicial power, the principles that define the consequences of a decision once a court has finished with a case, and the special opportunities and problems of litigation involving multiple disputants. Throughout the course, considerable attention will be devoted to the ways in which our beliefs about fairness and efficiency shape the design of the process.

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## Civil Procedure 5

**Course #:** 1000      **Term:** 2014FA      **Faculty:** Huang, Bert      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Wed 1:20 PM - 2:40 PM	WCC1010
Thu 1:20 PM - 2:40 PM	WCC1010
Fri 1:20 PM - 2:40 PM	WCC1010

**Course Description:** What happens in a lawsuit, and how can you make one go away? Who can sue whom, for what, and where? What do judges and juries have the power to decide? In this course, you will be invited to consider not only these central questions of civil procedure, but also the broader setting: What is the proper role of courts, and of lawyers, in resolving private disputes? Why do civil cases so rarely go to trial these days, and how is that good or bad? How do the practices and rules for delivering justice evolve, as society does? Our course will survey the laws governing civil litigation in the federal courts. Special topics will include the in-depth study of remedies, including punitive damages, as well as an introduction to class actions and complex litigation.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Civil Procedure 6

**Course #:** 1000      **Term:** 2014FA      **Faculty:** Campos, Sergio      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

**Location**

WCC1015

WCC1015

**Course Description:** This course examines the procedures that courts follow in civil actions, with a focus on federal courts. Topics include personal and subject matter jurisdiction, pleading, motions practice, joinder of parties and claims, discovery, the Erie doctrine, post-trial procedure and preclusion.

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## Civil Procedure 7

**Course #:** 1000      **Term:** 2014FA      **Faculty:** Hershkoff, Helen      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

**Location**

WCC2004

WCC2004

**Course Description:** This course examines the procedural rules that govern the litigation of noncriminal cases, largely but not exclusively in the federal courts of the United States. Topics covered include jurisdiction, venue, service of process, pleading, discovery, motion practice, choice of law, and principles of finality. Throughout the course, attention is paid to the historical evolution of procedure and its relation to substantive law; to assumptions about the adversary system, federalism, and separation of powers; and to how beliefs about efficiency and fairness shape the design of process and attitudes toward it. In addition, emphasis is placed on developing essential lawyering skills such as case reading, statutory interpretation, doctrinal understanding, and strategic problem solving.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Civil Rights Litigation

**Course #:** 2651      **Term:** 2015SP      **Faculty:** Michelman, Scott      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 3:15 PM - 6:30 PM

**Course Description:** In developing rules for constitutional and statutory civil rights litigation, the Supreme Court is continually balancing the need to enforce the Constitution and civil rights laws with countervailing interests such as state sovereignty and the goal of preventing litigation from exerting a chilling effect on government officials in the performance of their duties. With that balancing act as backdrop, this course will trace the evolution of the legal tools available to civil rights plaintiffs and the legal obstacles they must overcome to obtain relief, including immunities, justiciability, and limitations on the enforceability of statutory rights. We will analyze the applicable legal principles both in terms of their theoretical and policy underpinnings and their practical effects, in order to provide students considering careers involving civil rights litigation with a solid doctrinal foundation and to consider more broadly how procedural rules can dictate substantive outcomes and how gaps develop between rights and remedies.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Combating the Human Costs of Armed Conflict

**Course #:** 2509      **Term:** 2015SP      **Faculty:** Docherty, Bonnie      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Required Clinic Component: International Human Rights Clinic (2-4 spring credits). Students enrolled in the spring clinic must take either this course or Human Rights Advocacy (spring). Students will be enrolled in one of these required courses by the Office of Clinical and Pro Bono Programs. Students are guaranteed a seat in one of these two required courses, but are not guaranteed their first choice. Students may enroll in only one of the two available courses.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: January 16, 2015.

LLM Students: LLM students may apply to the clinic by submitting an application.

Armed conflict causes physical, psychological, and socioeconomic suffering to civilians caught in its path. Militaries inevitably kill and injure bystanders due to their choice of weapons and/or tactics. Armed forces also intentionally harm noncombatants to advance their goals. They wage war by means of rape, ethnic cleansing, and environmental destruction and compel children to fight as soldiers. Collectively these actions impose long-term harm on individuals and societies. This course will focus on three major types of law designed to reduce the human cost of war. Through case studies, it will consider the scope and effectiveness of international humanitarian law, international criminal law, and international human rights law, and how their principles coincide or conflict. It will also examine new approaches to alleviating civilian suffering, including humanitarian disarmament and post-conflict assistance to victims. The course will conclude by discussing contemporary challenges such as those posed by non-state actors and robotic weapons, which elude the boundaries of existing law.

While learning the purpose and substance of international law related to armed conflict, students will build advocacy skills by doing fact-finding and treaty negotiation role plays. A spring clinical practice component in the International Human Rights Clinic is required of all students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Commercial Law: Secured Transactions

**Course #:** 2026      **Term:** 2014FA      **Faculty:** Kaufman, Andrew      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**

Mon 10:30 AM - 12:00 PM

Tue 10:30 AM - 12:00 PM

**Location**

PND101

PND101

**Course Description:** Secured credit -- in the form of bank lending, mortgages, and asset securitizations -- has fueled the American economy. The details and the consequences of secured credit have been a major preoccupation of everyone dealing with the current economic crisis. This course deals primarily with understanding what secured credit is all about -- the various aspects of the use of credit and collateral in sale and loan transactions, ranging from routine consumer purchases to complex business transactions. This is a course about commercial lawyering. It is a problem-based exploration of commercial deal-making that considers statutory interpretation and policy in meeting the needs, and reconciling the interests, of the various parties to secured transactions -- consumers, manufacturers, dealers, lenders, insurers, and the government. The focus is on developing legal strategies appropriate to specific situations. Grades will be based principally on a final in-class examination but perhaps also, to some extent, on class participation or assigned classroom exercises.

Text: LoPucki and Warren, Secured Credit: A Systems Approach (7th ed. Aspen 2011); Warren, Bankruptcy and Article 9 Statutory Supplement (2014 VisiLaw or regular version.)

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## Communications and Internet Law and Policy

**Course #:** 2306      **Term:** 2014FA      **Faculty:** Benkler, Yochai      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

**Location**

WCC1023

WCC1023

**Course Description:** The course will provide an introduction and overview to questions of communications and Internet law and policy. The intensive semester will combine several lectures and in-class discussions to provide background and overview of major issues, with intensive, workshop-style group work on policy briefs and in-class presentations. The topics of the policy briefs are selected so that by following their own, and other students presentations, students will receive an overview of the major topics currently at stake in communications and Internet law and policy, and will also develop an in-depth familiarity with a subset of the issues through intensive high-intensity research, discussion, and presentation.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Comparative Constitutional Law

**Course #:** 2028      **Term:** 2014FA      **Faculty:** Jackson, Vicki      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

### Location

WCCB015

WCCB015

**Course Description:** This course will cover a series of topics arising in the comparative study of constitutional structure and law in countries including Canada, Colombia, Great Britain, France, Germany, Hungary, India, Israel, South Africa, and the United States. It will take up questions of constitutional purpose, function, design, and doctrine.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Comparative Constitutional Law

**Course #:** 1020      **Term:** 2015SP      **Faculty:** Jackson, Vicki      **Credits:** 4.00

**Type:** 1L International Comparative Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Wed 8:10 AM - 10:10 AM

Thu 9:50 AM - 11:50 AM

### Location

**Course Description:** The course will cover a series of topics arising in the comparative study of constitutional systems. Concentrating on constitutional structure and law in the United States and in such other countries as Australia, Canada, Colombia, France, Germany, Great Britain, India, Israel, Japan, and South Africa, it will examine selected problems of both constitutional design and constitutional adjudication. Early in the course we will consider the varying foundations and structures of judicial review of the constitutionality of laws (e.g., how are courts that engage in constitutional review structured, how are their judges appointed, what is the source of their authority to engage in constitutional review). We will also, early in the course, likely consider the constitutional law regulating availability of abortion in the United States, Germany, Canada, Colombia, and Ireland. Other likely topics include (1) the relationships between "popular" branches of government and courts under constitutional regimes that permit legislative override of constitutional decisions, (2) presidential compared to parliamentary systems of governance and whether/how constitutions should address emergency powers, (3) different forms of constitutional federalism, (4) approaches to protecting minority groups (for example, federalism, affirmative action for racial/ethnic/linguistic minorities, or group-based rights), (5) gender equality; (6) freedom of religion, (7) freedom of speech, and (8) positive social welfare rights.

Two overarching questions will be explored through these topics. First, we will be trying to improve our capacities to think systematically about constitutions, different structures for organizing governments and establishing just and efficacious governments, and about the role of constitutional law, and courts. How can governments be structured to both provide flexibility to respond to future needs and ensure appropriate degrees of ongoing stability? How can law and government structures help organize or manage responses to the tensions between majoritarian democracy and basic human rights? Between the human needs and demands of competing minorities? To do so, we will focus on a set of basic questions about constitutions, and constitutionalism: Why have constitutions? What is the relationship between a written constitution and constitutionalism? Can there be constitutionalism without a constitution? Does constitutionalism necessarily entail precommitment through entrenched law? Does constitutionalism necessarily require commitment to specific substantive norms?

Second, we will also critically examine what it is that can be learned from a comparative study of constitutions and constitutionalism. Can one draw conclusions for one country based on comparing constitutional experiences in others? Or is the possibility of drawing lessons from one polity to another always limited by the particularities of context and culture within which constitutions are formed and constitutional decisionmaking proceeds? Comparative constitutional study might yield insights into parts of one's own system that are (falsely) experienced as essential - when one learns that similar results are produced through different constitutional structures elsewhere, it is eye-opening. On the other hand, comparative study may also illuminate how difficult it is to distinguish "false necessities" from "true necessities," to the extent that each constitutional system's parts are integrally interrelated with others and bound up with a specific constitutional and political culture. Controversies over the U.S. Supreme Court's references to foreign law (for example, in death penalty cases) raise important questions: can



# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

courts (or other domestic constitutional decision-makers) really benefit from the constitutional experiences of other countries? Is it legitimate for them to do so?

Note: This is one of the 1L required international or comparative courses and is only available to HLS first-year and LLM students.

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### Comparative Corporate Governance and Finance

**Course #:** 2714      **Term:** 2014FA      **Faculty:** Kraakman, Reinier      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:** Tue 1:00 PM - 3:00 PM      **Location:** WCC3036

**Course Description:** This course surveys broad issues in corporate governance and finance ranging from the ownership structure of corporations to shareholder primacy, convergence in corporate law across jurisdictions, and the emergence of activist investment vehicles including hedge funds and PE firms. This course is required for LL.M. students who wish to enroll in the Corporate Governance Concentration. These student will also be given priority admission. Other students will be admitted as space permits.

Prerequisites: A any one of the following: A prior corporations or company law course, a parallel corporations course at HLS, prior experience in transactional legal work, or enrollment in the LL.M. Corporate Governance Concentration. In the event that the course is oversubscribed, LL.M. Corporate Governance Concentrators will be given priority.

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### Comparative Corporate Governance: Capstone Seminar for the LL.M. Corporate Governance Concentration

**Course #:** 2029      **Term:** 2014FS      **Faculty:** Kraakman, Reinier      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:** Mon 7:00 PM - 9:00 PM      **Location:** WCC5052

**Course Description:** This seminar will address basic issues in comparative corporate governance as well as alternative research methodologies. It is intended largely as a platform for LL.M. Conentrators in Corporate Governance to explore alternative paper topics and write a capstone seminar paper. Three rather than two units of credit may be available for students who choose to write "long papers." There will be four initial meetings in the fall and eight meetings in the spring.

Prerequisite: Enrollment by permission of the Instructor.

Note: This seminar is available to LLM students only.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Comparative Law: Ancient Law

**Course #:** 2472      **Term:** 2015SP      **Faculty:** Lanni, Adriaan      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal History

**Delivery Mode:** Course

### Days and Times:

Wed 1:10 PM - 2:40 PM

Thu 1:10 PM - 2:40 PM

### Location

**Course Description:** The focus of the class will be on comparing various ancient and modern approaches to problems faced by all legal systems. Topics covered include ancient approaches to crime and punishment, the regulation of sexuality, the trial jury, court procedure, international law, and commercial law. The main focus will be on the legal systems of classical Athens and Rome. We will also look to other ancient legal systems where relevant to a particular topic. Prior knowledge of ancient history or ancient languages is not required; the course is designed to be of interest to those without a background in the ancient world. Grades will be based on 2 short response papers, a 1-hour in class exam, and class participation. Students can register for an additional independent writing credit and write a research paper in lieu of the response papers. Research papers will compare ancient and modern approaches to a particular area of legal doctrine. Research papers will satisfy the law school writing requirement.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Comparative Law: Why Law? Lessons from China

**Course #:** 1012

**Term:** 2015SP

**Faculty:** Alford, William

**Credits:** 4.00

**Type:** 1L International  
Comparative  
Course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

**Course Description:**

This course uses the example of China as a springboard for asking fundamental questions about the nature of law, and the ways in which it may (or may not) differ in different societies. Historically, China is said to have developed one of the worlds great civilizations while according law a far less prominent role than in virtually any other. This course will test that assertion by commencing with an examination of classic Chinese thinking about the role of law in a well-ordered society and a consideration of the nature of legal institutions, formal and informal, in pre-20th century China--all in a richly comparative setting. It will then examine the history of Sino-Western interaction through law, intriguing and important both in itself and for the broader inquiry into which it opens concerning the transmission of ideas of law cross culturally. The remainder (and bulk) of the course will use the effort in the Peoples Republic of China to build a legal system--perhaps the most extensive such effort in world history--to ask what it means to build a legal order. Simply stated, what is central and why, what is universal and what culturally specific and why, and so forth? It is intended to be inviting to individuals both with and without prior study of China.

Note: This is one of the 1L required international or comparative courses and is only available to HLS first-year and LLM students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Comparative Online Privacy

**Course #:** 2615      **Term:** 2015SP      **Faculty:** Gasser, Urs      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Online privacy has become a major issue for Internet users, technology companies, online business, researchers, and policy-makers around the world, as more and more personal information is collected, aggregated, shared, and used across a wide variety of contexts. Policy-makers on both sides of the Atlantic - and globally - have been responsive to concerns expressed by users, consumer organizations, activists, and academics, and have proposed an important series of new laws, regulations, and other privacy-enhancing instruments at the international and national level. At the same time, the approaches aimed at regulating the respective information practices on the Internet - targeting social networking sites, online advertising, data aggregators, and the like - as well as the details of the proposed privacy norms are highly controversial.

In this interactive seminar, we will identify, map, analyze, and discuss latest developments in privacy law related to the Internet from a comparative perspective and put them into a broader context. The focus will be (although not exclusively) on business data and consumer privacy. Specifically, in the first part of the seminar we will introduce competing theories and models of online privacy and map current policy proposals as well as regulatory action and court cases from various jurisdictions onto such a matrix. In addition to discussing theoretical frameworks and analyzing current developments in online privacy, we will also take a closer look into qualitative and quantitative studies regarding privacy attitudes and practices online, and ask how such findings from research have shaped - or should shape - both the theoretical frameworks as well as the actual application of law. In the second part, the seminar examines in greater detail a series of particularly important case studies and emerging issue areas - including student privacy in the context of cloud computing and "big data" social science research. In the third and final part, seminar participants will identify and discuss future scenarios for online privacy in the globalized economy and examine the strategic and legal implications of such scenarios.

A small number of outside speakers will be invited to participate in a subset of class meetings.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Complex Litigation and Mass Tort

**Course #:** 2032      **Term:** 2014FA      **Faculty:** Rosenberg, David      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Procedure & Practice; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

### Location

WCC3016

WCC3016

**Course Description:** This course will investigate the problems of law and policy associated with mass tort litigation. In recent years the courts have been confronted with the task of adjudicating, or overseeing the settlement of, a series of mass-exposure cases pitting thousands or even millions of toxic-exposure victims against dozens of defendant firms. These cases present legal institutions with a profound dilemma, the importance of which is indicated by the fact that the Supreme Court has rendered two major decisions in recent years on the viability of mass tort class actions. On the one hand, applying the traditional model of individualized, case-by-case adjudication in such settings is not only prohibitively expensive but largely fails to achieve the substantive aims of tort law such as deterrence, compensation, and corrective justice. On the other hand, adoption of collectivizing processes that depart from this traditional model collides with received notions of due process and individual justice, as well as introducing novel problems of substantive law, procedural design, and legal ethics.

Our objective in this course will be to examine this dilemma from the standpoint of theory, policy, and practice, with an eye toward both the fundamental questions of social justice raised by these cases and the concrete operation of these cases.

The coverage of the course will span a number of interrelated issues of substance procedure and ethics. Among the topics we will consider are the following: 1. We will look at the distinctive problems of substantive liability and damages in mass tort cases, including proof-of-causation rules; apportionment of liability among multiple defendants; distribution of recovery among plaintiffs; and risk-based recoveries and damage scheduling. 2. We will examine the special institutional and procedural problems of resolving mass tort cases, including the choice between class and individual actions; the use of sampling or averaging techniques to avoid separate trials on individual issues; the use of statistical evidence; and difficulties associated with the settlement of large-scale actions. 3. We will look at the distinctive problems of legal ethics and representation raised by mass tort cases, including conflicts of interest between lawyers and clients, conflicts of interest between different groups of plaintiffs, and the financing of litigation. We will attempt to integrate knowledge from a number of fields of law and from other disciplines. Emphasis will be given to the functional analysis of actual practical problems. The fall term will be devoted to reading and discussing the leading cases and scholarship, and selecting paper topics; in the spring term, students will present and comment on draft papers. There is no examination; the final grade will be based on the students paper and written comments on other students papers.

Note: The credit breakdown for this course is as follows: 3 classroom credits in the fall and 1 writing credit in the spring.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Complex Litigation: Legal Doctrines, Real World Practice

**Course #:** 2366      **Term:** 2014FA      **Faculty:** Clary, Richard      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Thu 9:50 AM - 11:50 AM

**Location**

GRS110

**Course Description:** This course will study legal doctrines, litigation strategies and current "best practices" relating to complex civil litigation. Topics will include forum selection strategies (state versus federal court); removal from and remand to state court; transfer, coordination and consolidation of federal actions; multi-district litigation, including choice of law issues; federal class actions (including CAFA, class certification and class settlements); management of parallel federal/state proceedings (including the All Writs Act and the Anti-Injunction Act); and practical issues relating to managing multi-case litigation, such as coordination orders and bellwether trials. Many of the examples to be discussed will come from recent and pending securities cases, such as Enron and the residential mortgage-backed securities (RMBS) cases, but knowledge of substantive securities law is not required.

Prerequisite: Civil Procedure or by permission of the instructor to waive the prerequisite.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Conflict of Laws

**Course #:** 2033      **Term:** 2015SP      **Faculty:** Singer, Joseph      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

### Location

### Course Description:

This course examines how courts choose which law should be applied to transactions, relationships, or occurrences having contacts with more than one state in the United States, or with the United States and a foreign nation. The course will also touch on adjudicatory jurisdiction, recognition of foreign judgments, and tribal sovereignty of American Indian nations. We will address the various approaches adopted by states and/or advocated by scholars, focusing on cases involving torts, contracts, property, family law, procedure, and tribal sovereignty. Roughly one-half of the class days will be devoted to a series of moot court exercises. Students will present oral arguments and act as judges, both asking questions and meeting in conference to decide the cases. Students will be required to write short, two-page memoranda on a substantial number of the problem cases and to write a 10-page proposed opinion on one of the moot court cases that will be due at the end of the semester.

The grade will be based on these papers and the moot court oral presentations. There is no exam. Enrollment is limited to upper level students; 1Ls are not eligible to take this course. Anyone on the waitlist who wants to take the course must attend the first class.

Prerequisite: For LLM students only, students must have taken property, torts, or contracts in the fall semester to be eligible for this course. Anyone on the waitlist who wants to take the course must attend the first class.

Note: This course will satisfy half of Option 2 of the written work requirement.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Constitutional Analysis

**Course #:** 2508      **Term:** 2014FA      **Faculty:** Tribe, Laurence      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

### Days and Times:

Wed 1:10 PM - 2:40 PM

Thu 1:10 PM - 2:40 PM

### Location

WCC2004

WCC2004

**Course Description:** This advanced 3-credit course will investigate issues cutting across both basic constitutional law courses (First Amendment; and Separation of Powers, Federalism, and Fourteenth Amendment), and crossing the divide between Constitutional Criminal Procedure and the rest of Constitutional Law. Only curricular and scheduling considerations have led those realms to be studied in separate silos - with the result that many important aspects of the subject often end up not being systematically covered anywhere precisely because they fit everywhere.

The issues we'll explore include (1) methods of constitutional interpretation and implementation (including several distinct flavors of originalism and living constitutionalism) and ways of thinking about constitutional law in relation to culture and politics; (2) questions posed by the motives underlying challenged governmental actions and the messages those actions convey; (3) puzzles presented by relationships among government structure, the substance of government action, and the processes through which government choices are formulated and ultimately applied; (4) issues posed by protecting privacy while preserving safety and security in the face of rapid technological change; and (5) problems presented by asymmetrical rights and unwelcome (even if non-coercive) government offers, including unconstitutional conditions.

We will study those matters in the context of concrete disputes - both historical and contemporary - involving the fusion of liberty, equality, and federalism in contexts like gun rights, health care, contraception and abortion and same-sex marriage, religious accommodation; high-tech surveillance and data-mining; and sexual intimacy.

The materials will be a packet of judicial decisions and other documents, supplemented by occasional online assignments. There will be no required textbooks or casebooks.

The course will meet in two 90-minute sessions each week. Enrollment will be limited to 75.

**Prerequisites:** This course presupposes reasonable familiarity with the basics of American constitutional law as taught either in an undergraduate course broadly covering the subject, or in one or both of the two introductory HLS courses in constitutional law. Interested students will be expected to assure themselves that they meet this criterion; no prior approval by the instructor will be required for admission of JD candidates but will be required for LL.M. candidates. For any prospective LL.M. enrollees, please send a one-page statement, indicating why you would be a good fit for the class, to Kathy McGillicuddy at [kmcgill@law.harvard.edu](mailto:kmcgill@law.harvard.edu) by July 31, 2014.

Because there are no specific course prerequisites for the Fall 2014 version of this advanced course, I have decided to fill gaps in the backgrounds of some 2Ls and LL.Ms who may opt to enroll - and to increase the odds that everyone will be starting from a shared baseline on the key issues - by devoting the first 90-minute class and some or all of the second (out of a total of 24 classes) to providing an overview of introductory constitutional law, which should be of special relevance to those who will not already have completed both (or perhaps either) of the introductory constitutional law courses at HLS, but which I'll design in a way that I hope adds value to, and avoid boring, those who have completed either or both.



# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

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## Constitutional History I: From the Founding to the Civil War

**Course #:** 2034      **Term:** 2015SP      **Faculty:** Klarman, Michael      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal History

**Delivery Mode:** Course

### Days and Times:

Wed 1:30 PM - 2:30 PM

Thu 1:30 PM - 2:30 PM

Fri 1:30 PM - 2:30 PM

### Location

### Course Description:

This course considers, from the perspective of social and political history, American constitutional development from the Articles of Confederation to the Civil War. Issues covered include the failures of the Articles of Confederation, the framing of the Constitution, debates over ratification and the enactment of the Bill of Rights, constitutional disputes over the Alien and Sedition Act, the Chase impeachment, the origins of judicial review, the nationalist rulings and the contracts clause decisions of the Marshall Court, states rights constitutionalism and the nullification debate of 1832, various issues involving slavery including fugitive slave renditions and slavery in the western territories, the constitutional debate over secession, and various constitutional issues raised by the Civil War including conscription, confiscation, and emancipation.

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## Constitutional Law: First Amendment

**Course #:** 2035      **Term:** 2014FA      **Faculty:** Tushnet, Mark      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

### Days and Times:

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

### Location

LAN225

LAN225

LAN225

### Course Description:

Focuses primarily on the free speech clause of the First Amendment, with special attention to whether current doctrine should be modified in light of new communication technologies, and with some attention to the religion clauses.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Constitutional Law: First Amendment

**Course #:** 2035      **Term:** 2015SP      **Faculty:** Parker, Richard      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

### Days and Times:

### Location

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

**Course Description:** The course is one of the two basic courses in the field. It focuses on the First Amendment and addresses the Freedom of Speech, the Free Exercise of Religion and the Establishment Clause. This section of the course will approach the law as an ongoing practice of argument. It will deal with decisions and doctrine, but also with what lies beneath the surface--assumptions, images and emotions that structure and animate argument. It will analyze the internal conflicts and the ebb and flow of constitutional argument over time, concentrating on the last fifty years.

In class, there will be no cold calling on students and no panels. Instead, students will be encouraged to respond to questions put to the class as a whole and exhorted to challenge and criticize the instructor in a sort of "reverse Socratic" dialogue.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

## Constitutional Law: First Amendment

**Course #:** 2035      **Term:** 2015SP      **Faculty:** Field, Martha      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Course Description:** This course is one of two basic courses in Constitutional Law. We will study the Freedom of Speech in many different contexts; Freedom of Association; Free Exercise of Religion; and the Establishment of Religion.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Constitutional Law: First Amendment

**Course #:** 2035      **Term:** 2015SP      **Faculty:** Feldman, Noah      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

### Days and Times:

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

### Location

**Course Description:** This course is one of the two basic courses in the field: it focuses on the First Amendment and deals with the Freedom of Speech, the Free Exercise of Religion, and the Establishment Clause. The course will be taught largely through lectures, with some discussion and time for Q&A exchanges in each class. Students should be aware before enrolling in the course that the use of laptops, iPhones, Blackberries, and other similar devices will not be permitted during class.

Students who have previously taken Religion and the First Amendment may not take this course.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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## Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment

**Course #:** 2036      **Term:** 2014FA      **Faculty:** Parker, Richard      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

### Days and Times:

Wed 1:20 PM - 2:40 PM

Thu 1:20 PM - 2:40 PM

Fri 1:20 PM - 2:40 PM

### Location

WCC1015

WCC1015

WCC1015

**Course Description:** The course is one of the two basic courses in the field. It focuses on the Fourteenth Amendments Equal Protection and Due Process Clauses and on the separation of powers and federalism. This section of the course will approach the law as an ongoing practice of argument. It will deal with decisions and doctrine, but also with what lies beneath the surface--assumptions, images and emotions that structure and animate argument. It will analyze the internal conflicts and the ebb and flow of constitutional argument over time, concentrating on the last fifty years.

In class, there will be no cold calling on students and no panels. Instead, students will be encouraged to respond to questions put to the class as a whole and exhorted to challenge and criticize the instructor in a sort of "reverse Socratic" dialogue.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment

**Course #:** 2036      **Term:** 2014FA      **Faculty:** Klarman, Michael      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Mon 10:20 AM - 11:40 AM	AUS100
Tue 10:20 AM - 11:40 AM	AUS100
Wed 10:20 AM - 11:40 AM	AUS100

**Course Description:** This course is one of the two basic courses in the field. It focuses on the structure of the United States government, including the doctrines of separation of powers and federalism. The course also involves an in-depth study of the Fourteenth Amendments Equal Protection and Due Process Clauses. There are two things about this course that you should know in advance--which might distinguish it from other courses on the same topic. First, I teach mostly by lecture; though student participation is encouraged, this is not a conventional Socratic class. Second, while I do cover the conventional constitutional law doctrine, this class also emphasizes historical context, different normative theories of constitutional interpretation, and political science-type questions such as the consequences of the Courts rulings. Those with an interest mainly in conventional legal doctrine might be well advised to look elsewhere.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

## Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment

**Course #:** 2036      **Term:** 2014FA      **Faculty:** Minow, Martha      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Thu 9:50 AM - 11:50 AM	WCC2012
Fri 9:50 AM - 11:50 AM	WCC2012

**Course Description:** This course is one of the two basic courses in the field; it focuses on the separation of powers and federalism and on the Fourteenth Amendments Equal Protection and Due Process Clauses. Students will participate in practice arguments and deliberations as well as class discussions and lectures.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment

**Course #:** 2036      **Term:** 2015SP      **Faculty:** Fried, Charles      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

**Location**

**Course Description:** The course considers the structural provisions of the Constitution, but also the individual rights and liberties implicated by the due process and equal protection clauses of the Fourteenth Amendment. First Amendment liberties and constitutional criminal procedure are addressed in other courses.

Sullivan and Feldman (Eighteenth edition) and its 2014 Supplement, and some supplementary materials.

Prerequisite: For LLM students only, instructor permission is required to enroll in this course.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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## Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment

**Course #:** 2036      **Term:** 2015SP      **Faculty:** Brown-Nagin, Tomiko      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Location**

**Course Description:** This course provides an introduction to the structure of the U.S. Constitution and the rights and liberties it defines. Topics include judicial review, federalism, separation of powers, and equal protection and due process of law under the Fourteenth Amendment of the U.S. Constitution. Extensive coverage is devoted to individual rights under the Fourteenth Amendment.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment

**Course #:** 2036      **Term:** 2015SP      **Faculty:** Feldman, Noah      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Location**

**Course Description:** This course provides an introduction to the structure of the U.S. Constitution and the rights and liberties it defines. Topics include judicial review, federalism, separation of powers, and equal protection and due process of law under the Fourteenth Amendment of the U.S. Constitution. Extensive coverage is devoted to individual rights under the Fourteenth Amendment.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

## Consumer Bankruptcy

**Course #:** 2699      **Term:** 2015SP      **Faculty:** Bertling, Roger      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

Thu 5:00 PM - 7:00 PM

**Location**

**Course Description:** This course explores the basic principles of consumer Chapter 7 liquidation and 13 personal reorganization bankruptcies and is designed for those who wish to understand consumer bankruptcy from a practitioner's viewpoint. We will also devote some attention to non-bankruptcy collection law. Course topics will include an overview of the bankruptcy process, eligibility for bankruptcy, the automatic stay, the bankruptcy estate, exemptions, creditor claims and priorities, with a specific emphasis on mortgage claims, student loans, executory contracts and leases and discharge of debts, all with an emphasis on individual consumer bankruptcies.

This course will have a final written paper in lieu of an examination. This course is limited to 20 students.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Consumer Contracts

**Course #:** 2598      **Term:** 2015SP      **Faculty:** Bar-Gill, Oren      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Consumer contracts are receiving increasingly intense scrutiny by legislators, regulators and courts. Congress established the new Consumer Financial Protection Bureau and charged it with the task of overseeing mortgage contracts and credit card contracts. The Federal Communications Commission is rethinking the regulation of cellphone contracts. And the Federal Trade Commission is continuing its important consumer protection work, a large part of which involves consumer contracts. In addition, there has been increasing scrutiny of consumer contracting practices online, particularly of contracts that govern the collection of consumers' information. Both the Federal Trade Commission and the Department of Commerce published new guidelines to increase protection of consumer privacy and set standards for the collection of consumer information online. Several bills awaiting congressional approval seek to improve disclosures in consumer privacy policies, and a bill that eliminates negative option contracting online was enacted into law in late 2010. The courts are also deeply engaged, as demonstrated by three recent Supreme Court cases, redefining the permissible scope of arbitration clauses in consumer contracts. The seminar covers these and other aspects of the law of consumer contracts.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Consumer Law: Educational Institutions and Student Debt

**Course #:** 2593      **Term:** 2015SP      **Faculty:** Weinstein, Max      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Outstanding student loan debt in the United States recently exceeded one trillion dollars, surpassing all other forms of consumer debt. This course examines the unique and rapidly changing legal and regulatory apparatus governing federal and private educational lending. Topics covered include: sources of federal funding for higher education and regulations limiting the schools and students eligible for such funding; enforcement of federal and private student loan contracts by judicial and non-judicial means; and the unique position of student loans among consumer debts as presumptively non-dischargeable in bankruptcy. The course also covers consumer rights and remedies in the student loan context, including recent jurisprudence on the enforceability of arbitration clauses and federal preemption of state consumer protection law. Throughout, we will examine the policies underlying these programs and doctrines, and the incentives they create for borrowers, lenders, public and private schools, federal regulators, and legislators.

In addition to preparing for, attending, and participating in each class session, students will be expected to complete several response papers over the course of the semester. Students may choose between an any-day take-home exam and a term paper.

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## Contemporary Issues in Oil and Gas Law: Fracking, Takings, Pipelines, and Regulation

**Course #:** 2717      **Term:** 2014FA      **Faculty:** Koonschnik, Kate      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Environmental Law

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

WCC5051

**Course Description:** This Reading Group will explore hot legal issues in oil and gas law relating to public health, environmental quality, fair compensation for public natural resources, and eminent domain for public utilities. The goal of the Reading Group is to provide an overview of energy law and to demonstrate how this rich subject interacts with many other areas of law. We will also apply problem-solving skills in our discussions of often contentious topics, and think about how to represent clients in these settings or craft creative policy solutions and management strategies.

We will meet for six two-hour sessions. After a brief introduction to oil and gas activity in the United States, the group will tackle four legal topics - chemical disclosure, royalty transparency on public lands, methane emissions from the natural gas sector, and pipeline siting - in an informal, interactive setting. Students will be responsible for the readings, to ensure robust class discussions.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Contemporary South Asia: Entrepreneurial Solutions to Intractable Social & Economic Problems

**Course #:** 2543      **Term:** 2014FA      **Faculty:** Khanna, Tarun      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

Mon 3:30 PM - 5:00 PM

Wed 3:30 PM - 5:00 PM

**Location**

**Course Description:** This course focuses on several categories of social and economic problems faced by the countries of South Asia, with specific focus on the realms of Public Health, Science-based Enterprises, Urban Design and Financial Inclusion. Each problem category will be dealt with through a survey lecture, supplemented by assigned and recommended readings for those wishing to explore the topic further, and an in-depth look at several organizations, companies and non-profits that have attempted to address some of the problems within that category.

The primary objective of the course is to engage students (in an inter-disciplinary and university-wide setting) with the modern day challenges affecting South Asia, and to examine a range of entrepreneurial attempts to solve these problems. The course will be listed at HBS, FAS, HSPH, HGSE, HLS, HMS & HKS and will be taught by several faculty members from different schools. The mixture of backgrounds is crucial for its success.

The lectures and deep-dive case studies are the core of the course and will review the available evidence on the incidence, causes and consequences of the problem in question. Additionally, we will draw extensively on video and film materials when relevant. Case studies of each solution will examine whether and why it worked, and how it could have been improved, as well as compare the effort to other ambient successes and failures. The case studies will be discussed interactively and might feature the protagonists wherever feasible. Grading for the course is based on class participation, some short assignments that are module-specific, and a team project due at the end of the course. Each team must mix and match students from more than one Harvard school (thus, for example, a team of lawyers will not do, but mixing them with doctors or public health or public policy students will). The idea of the project is to present a candidate solution - this may take the form of a business plan, a plan to build a non-profit, a plan to create a regulatory intervention - that solves a crisply stated, and significant, problem in a particular setting in South Asia.

After the course, but not as a part of it, teams that reach a threshold level of excellence in their project reports may be eligible for funding through the South Asia Initiative for exploratory work on their project.

Note: The course will meet on the FAS campus in Sever Hall 113. The first day of class is September 3.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Contracts

**Course #:** 2501      **Term:** 2015SP      **Faculty:** Taggart, Christopher      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

### Location

**Course Description:** Contract law is the study of legally enforceable promises, normally exchanged as part of a bargain. Contracts are the main means by which transactions are made and legal obligations are voluntarily incurred. Doctrinal topics to be discussed may include: when a contractual promise exists and which are too indefinite; offer and acceptance; consideration; whether and when contracts should be voided for reasons such as duress or nondisclosure; contractual interpretation; parol evidence; statutes of frauds; quasi-contracts; and remedies.

Note: Enrollment is limited to foreign-educated LL.M. students.

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## Contracts 1

**Course #:** 1001      **Term:** 2014FA      **Faculty:** Kennedy, Randall      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

### Location

WCC1023

WCC1023

WCC1023

**Course Description:** This course is an introduction to the study of contracts and their regulation.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Contracts 2

**Course #:** 1001      **Term:** 2015SP      **Faculty:** Brewer, Scott      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Location**

**Course Description:** Contract law is the study of legally enforceable promises, normally exchanged as part of a bargain. Contracts are the main means by which transactions are made and legal obligations are voluntarily incurred. Among the topics that may be covered are: when a contractual promise exists and which are too indefinite; whether consideration should be required and what that means; whether there was offer and acceptance forming a contract; whether and when contracts should be voided because of duress, nondisclosure, a failure to read, unconscionability, or immorality; how to interpret contracts; implied and explicit contractual conditions; the material breach and perfect tender rules; whether performance is excused by mistake of fact, impossibility, impracticability, or frustration of contractual purpose; what remedies to reward and how to measure them; and whether and when damages should be limited because of failure to mitigate, unforeseeability, or use of penalty clauses. Materials to be announced.

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## Contracts 3

**Course #:** 1001      **Term:** 2015SP      **Faculty:** Lessig, Lawrence      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

**Location**

**Course Description:** Contract law is the study of legally enforceable promises, normally exchanged as part of a bargain. Contracts are the main means by which transactions are made and legal obligations are voluntarily incurred. Among the topics that may be covered are: when a contractual promise exists and which are too indefinite; whether consideration should be required and what that means; whether there was offer and acceptance forming a contract; whether and when contracts should be voided because of duress, nondisclosure, a failure to read, unconscionability, or immorality; how to interpret contracts; implied and explicit contractual conditions; the material breach and perfect tender rules; whether performance is excused by mistake of fact, impossibility, impracticability, or frustration of contractual purpose; what remedies to reward and how to measure them; and whether and when damages should be limited because of failure to mitigate, unforeseeability, or use of penalty clauses.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Contracts 4

**Course #:** 1001      **Term:** 2014FA      **Faculty:** Bar-Gill, Oren      **Credits:** 4.00

**Type:** 1L Required Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

**Location**

WCC1023

WCC1023

**Course Description:** The body of law concerned with private agreements, including contract formation, interpretation, conditions, excuse of performance, and remedies for breach, is the focus of this course. Attention is given to the Uniform Commercial Code and other relevant statutes as well as to principles of common law and equity.

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## Contracts 5

**Course #:** 1001      **Term:** 2014FA      **Faculty:** Frug, Gerald      **Credits:** 4.00

**Type:** 1L Required Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

**Location**

WCC1019

WCC1019

**Course Description:** This class introduces the nature of the obligation we call "contract." How are legally enforced obligations formed? How are they distinct from other obligations? How free are parties to craft the obligations they want to be bound by? How free should they be?

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## Contracts 6

**Course #:** 1001      **Term:** 2015SP      **Faculty:** Emens, Elizabeth      **Credits:** 4.00

**Type:** 1L Required Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Wed 1:20 PM - 2:40 PM

Thu 1:20 PM - 2:40 PM

Fri 1:20 PM - 2:40 PM

**Location**

**Course Description:** This course offers an introduction to contract law and theory. The course is organized around two broad questions: (1) When are promises legally enforceable? and (2) What are the consequences of breaking a legally enforceable promise? As we explore these questions, we will identify the contours of contract law and examine the normative justifications for contract law doctrines in light of key principles underpinning the law. Course topics include consideration and alternative bases for enforcing promises, the bargaining process, policing the bargain for unfairness, performance and breach, mistake and impracticability, and remedies for breach. These topics are explored in the context of construction contracts, sales of goods, real estate deals, employment agreements, commitments within the family, and other significant types of agreements.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Contracts 7

**Course #:** 1001      **Term:** 2014FA      **Faculty:** Rakoff, Todd      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

### Location

WCC2012

WCC2012

WCC2012

### Course Description:

Contract law is the study of legally enforceable promises, normally exchanged as part of a bargain. Contracts are the main means by which transactions are made and legal obligations are voluntarily incurred. Among the topics that may be covered are: when a contractual promise exists and which are too indefinite; whether consideration should be required and what that means; whether there was offer and acceptance forming a contract; whether and when contracts should be voided because of duress, nondisclosure, a failure to read, unconscionability, or immorality; how to interpret contracts; implied and explicit contractual conditions; the material breach and perfect tender rules; whether performance is excused by mistake of fact, impossibility, impracticability, or frustration of contractual purpose; what remedies to reward and how to measure them; and whether and when damages should be limited because of failure to mitigate, unforeseeability, or use of penalty clauses. Materials to be announced.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Copyright

**Course #:** 2042      **Term:** 2015SP      **Faculty:** Fisher, William      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

### Location

**Course Description:** This course explores copyright law and policy. Approximately two thirds of the readings and class time are devoted to the American copyright system; the remainder are devoted to the major relevant multilateral treaties and to the laws pertaining to copyright and "neighboring rights" in other countries. Substantial attention is paid to the efforts of philosophers, economists, and social theorists to justify, reform, or abolish the copyright system.

The course is unusual in several respects. First, the classes are different from those in most law-school courses. Each week, one class takes the form of a recorded lecture. (All of the lectures are available at <http://copyx.org/lectures/>.) In-person classes are held on Mondays and Tuesdays. Most consist of discussions of case studies, which are designed to explore in more depth and detail the rules and theories introduced in the week's recorded lecture. On occasion, the course also meets on Wednesdays (during the regular class meeting time) to hear guest speakers.

Next, there is no casebook for the course. Instead, all of the reading materials are available online: <http://copyx.org/hls-syllabus/>. (Paper copies will also be available in the Distribution Center.)

Third, the Harvard Law School course on Copyright will be paralleled by - and at times will overlap with - a networked course known as CopyrightX. A detailed description of CopyrightX is available at <http://copyx.org>. In brief, approximately 500 students from approximately 70 countries will be watching the same recorded lectures that you watch and will be reading a subset of the materials that you read. Those students will be organized into sections, each led by a Harvard Teaching Fellow. In addition, roughly 300 students will participate in affiliated courses in other universities, law firms, and nonprofit organizations, most of them in other countries. You will have an opportunity (not an obligation) to interact with these other groups of students in two contexts: they will join the class via an interactive webcast on the Wednesdays when guest speakers visit Harvard; and you can participate along with them in an online discussion forum.

Finally, the exam for the course is unusual. It is divided into two segments. Part I is a three-hour, in-class, closed-book examination designed to test your knowledge of copyright doctrine. Part II is an unlimited-time take-home exam (due at the end of the exam period) designed to test your knowledge of copyright theory and policy.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Copyright and Trademark Litigation

**Course #:** 2043      **Term:** 2014FA      **Faculty:** Cendali, Dale      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Mon 1:00 PM - 3:00 PM

**Location**

WCCB010

**Course Description:** The class will analyze the strategic, practical and policy issues involved with copyright and trademark litigation from the beginning of a case where emergency injunctive relief might be sought, to its potential end at the U.S. Supreme Court. Substantive areas of copyright and trademark law will include fair use, nominative fair use, the likelihood of confusion, use of consumer surveys, dilution, the role of the First Amendment, the theory behind injunctive relief, the nature of irreparable injury, and trademarks as a form of property right. The course will discuss how to persuasively present evidence and try a case. The course will also address the special nature of Supreme Court litigation and techniques for an effective oral argument. Each student will participate in one very brief oral argument during the semester. Real-life cases the instructor has litigated will be used to illustrate points.

No prior courses in IP are necessary as the course will provide any necessary foundation.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Corporate and Capital Markets Law and Policy

**Course #:** 2362      **Term:** 2014FA      **Faculty:** Bebchuk, Lucian; Hirst, Scott      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

Mon 5:00 PM - 7:00 PM

Tue 5:00 PM - 7:00 PM

### Location

WCC1023

WCC1023

**Course Description:** This course will consider a range of policy issues in the law governing corporations, securities, capital markets, and financial institutions. Issues to be considered include the allocation of power between managers and shareholders, corporate transactions, executive pay, shareholder activism, cross-country differences in corporate and securities laws, securities regulation, and financial regulation. A substantial number of sessions will feature speakers, including both presentations by prominent practitioners on current policy and practice issues and presentations by prominent academics on current research.

Readings will mainly be from law review articles and discussion papers. Many of the readings will use economic reasoning, and familiarity with, or at least interest in or tolerance for, such reasoning will be helpful. The aim will be to give students a good sense of the issues that have been discussed in the literature, or are being discussed in current debates, and the ways in which policy arguments about such issues are developed.

The course will not meet on all Mondays and Tuesdays during the semester; rather, it will meet for 18 2-hour sessions which will take place on Mondays and Tuesdays. There will be no examination. Instead, students will be asked to submit, before sessions, a brief memo on the assigned readings; grades will be based on these memos (primarily) and on participation in class discussion.

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## Corporate Finance

**Course #:** 2044      **Term:** 2015SP      **Faculty:** Kraakman, Reinier      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

Thu 1:30 PM - 3:00 PM

Fri 1:30 PM - 3:00 PM

### Location

**Course Description:** This course will cover the fundamentals of financial economics, with an emphasis on corporate finance. While this is a course in finance, not law, applications from a variety of legal settings will illustrate the importance of finance for law and lawyers. Such applications will include damage calculations, judicial valuations, banking regulation, securities fraud, and accounting.

There will be four graded problem sets and a final in-class exam, all of which will consist primarily of numerical exercises. Students are encouraged to work on the problem sets in groups up to four.

Some background in finance is helpful but not required.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Corporate Governance

**Course #:** 2046      **Term:** 2014FA      **Faculty:** Fried, Jesse      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Reading Group

**Days and Times:**

Thu 5:00 PM - 7:00 PM

**Location**

WCC3011

**Course Description:** Students will read and discuss work about corporate governance policy and corporate governance reforms. As is the norm with reading groups, there will be no examination or paper, and the class will be graded credit/fail.

Prerequisite: Corporations or permission of the instructor to waive the prerequisite.

Note: The reading group will meet on the following dates: 10/23, 10/30, 11/6, 11/13, 11/20, 12/4.

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## Corporate Reorganization

**Course #:** 2047      **Term:** 2015SP      **Faculty:** Bienenstock, Martin      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

**Course Description:** Corporate Reorganization identifies the dominant causes of business failure or distress, and analyzes how (a) corporate governance enhanced by the best business research of the last 20 years can mitigate or avoid failure and (b) chapter 11 resolves failure/distress. We do this by reference to governance and business research papers, jurisprudence, and articles about failures in the auto, steel, financial, and manufacturing industries, and industries subject to mass tort liability. In formulating resolutions of distressed situations, we apply chapter 11 resolutions as a baseline against which other resolutions are compared. The course is designed to show that optimal restructuring is a multidisciplinary undertaking, even within its legal framework where emphasis is put on governance jurisprudence, bankruptcy jurisprudence, statutory interpretation, the constitutional limits of the bankruptcy power, the bankruptcy courts jurisdiction, and the use of litigation.

This is a one-credit course that meets for 7 two-hour sessions. Grades are determined by 10-page papers on approved topics. Some students may earn two credits by writing more extensive papers.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Corporations

**Course #:** 2048      **Term:** 2014FA      **Faculty:** Fried, Jesse      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Location**

LAN225

LAN225

**Course Description:** This course introduces students to the legal rules protecting creditors and shareholders of a corporation. Topics include limited liability, veil piercing, equitable subordination, fraudulent conveyances, leveraged buyouts, the duties of care and loyalty, shareholder voting, derivative suits, executive compensation, insider trading, and control transactions.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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## Corporations

**Course #:** 2048      **Term:** 2014FA      **Faculty:** Kraakman, Reinier      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Location**

LAN272

LAN272

**Course Description:** This course surveys the role of legal controls on business organizations with an emphasis on managers, directors and controlling shareholders of public corporations. Aspects of the law of agency and closely-held business entities are reviewed to highlight their continuities and discontinuities with the public corporation. Topics include basic fiduciary law, shareholder voting, derivative suits, executive compensation, mergers and acquisitions, and control transactions. The emphasis throughout is on legal rules as one set of constraints on corporate actors among others.

Prior or concomitant exposure to basic concepts in accounting is a prerequisite. Some familiarity with basic concepts in finance is also helpful. The requisite experience can be academic, e.g., the HLS course "Analytical Methods for Lawyers" or a one-unit "bootcamp" in accounting or finance. The requisite experience may be prior employment in a commercial law firm, accounting firm, investment bank, or analogous firm.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Corporations

**Course #:** 2048      **Term:** 2014FA      **Faculty:** Ramseyer, J. Mark      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

**Location**

AUS101

AUS101

**Course Description:** This course surveys the role of legal controls on business organizations. Aspects of the law of agency, partnership, and closely held corporations are reviewed to highlight continuities and discontinuities with the publicly held corporation. Topics include basic fiduciary law, shareholder voting, derivative suits, reorganizations, and control transactions. The emphasis throughout is on the functional analysis of legal rules as one set of constraints on corporate factors among others.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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## Corporations

**Course #:** 2048      **Term:** 2014FA      **Faculty:** Coates, John      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Location**

AUS101

AUS101

AUS101

**Course Description:** This course surveys the role of legal controls on business organizations. Topics include choice of legal entity, basics of agency and partnership, asset partitioning and creditor protection, fiduciary duties, shareholder voting, derivative suits, executive compensation, control transactions, and insider trading. Some of the course will draw on problems in transactional settings, as well as some work in groups (that will be randomly assigned) and in-class graded quizzes.

Students should have a familiarity with rudimentary accounting and finance concepts at the level of Analytical Methods for Lawyers. Please consult the syllabus of Analytical Methods if you are unsure whether your background is sufficient.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Corporations

**Course #:** 2048      **Term:** 2015SP      **Faculty:** Clark, Robert      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 10:20 AM - 11:55 AM

Tue 10:20 AM - 11:55 AM

Wed 10:20 AM - 11:55 AM

**Course Description:** This course surveys the role of legal controls on business organizations with emphasis on the control of managers in publicly held corporations. Aspects of the law of agency, partnership, and closely held corporations are reviewed to highlight continuities and discontinuities with the publicly held corporation. Topics include basic fiduciary law, shareholder voting, derivative suits, executive compensation, reorganizations, and control transactions. The emphasis throughout is on the functional analysis of legal rules as one set of constraints on corporate actors among others.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

## Corporations

**Course #:** 2048      **Term:** 2015SP      **Faculty:** Skeel, David      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

**Course Description:** This course focuses on the structure and characteristics of the modern business corporation, with particular attention given to problems relating to the large, publicly held company. It covers, among other topics, formation; certificate of incorporation and bylaws; limited liability; management and control rights and powers of shareholders, directors, and officers; shareholder voting; fiduciary and other duties and liabilities of officers and directors; amendments to the certificate of incorporation; and mergers and acquisitions.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Counseling and Legal Strategy in the Digital Age

**Course #:** 2653      **Term:** 2014FA      **Faculty:** Bavitz, Christopher; Topelson, Dalia      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;  
Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

HAU105

**Course Description:** This course explores the complex challenges that entrepreneurs, businesses, and other organizations face when trying to address legal issues relating to technology. The seminars approach is both practical and multidisciplinary, and it encourages students to explore the roles of a wide range of stakeholders (including lawyers, policy advocates and policymakers, businesspersons, and technologists) in developing legal and business strategies. The course draws on a rich set of case studies based on recent legal controversies (including pre-litigation correspondence, pleadings, briefs, and other litigation materials). Students also review, analyze, and critique transactional documents and other legal materials (including contracts and website terms of use and privacy policies), with an eye toward assessing legal and PR risks and protecting clients interests. Using all of these materials, the course condenses and weaves together experiences that lawyers and clients encounter day-to-day with core doctrinal and theoretical principles of relevant areas of law (including IP, speech, privacy, and the like). The class focuses particularly closely on critical and strategic thinking and analysis, complex legal and practical problem solving and decision-making, and clear and persuasive writing and drafting. At various points throughout the semester, the instructors will bring in outside specialists to enhance students understanding of the interplay between substantive and practical issues.

**Cross-Registration:** Cross-registrants are strongly encouraged to apply. We would like to have a diverse mix of backgrounds in our seminar this fall and have reserved seats for graduate students from other schools.

**Note:** Students who previously enrolled in the Practical Lawyering in Cyberspace seminar may not register for this course.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Criminal Adjudication

**Course #:** 2049      **Term:** 2015SP      **Faculty:** Lanni, Adriaan      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

**Course Description:** The subject of this course is the criminal process "from bail to jail." We will address some of the main constitutional and policy issues that arise about the structure of this process, including the right to counsel, the influence of prosecutorial discretion, the institution of plea bargaining, the role of the jury, and the choice of sentencing procedures. We will also address some important issues about the outcomes produced by this process, including the problem of wrongful convictions (innocence) and disparate racial and class impacts.

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## Criminal Investigations / Police Practices: Fourth, Fifth and Sixth Amendments

**Course #:** 2050      **Term:** 2015SP      **Faculty:** Chacón, Jennifer      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 8:10 AM - 9:40 AM

Thu 8:10 AM - 9:40 AM

**Course Description:** This course considers the principal doctrines of the Fourth, Fifth, and Sixth Amendments affecting criminal investigation. Topics include search and seizure, stop and frisk, electronic surveillance, lineups, police questioning (the privilege against compulsory self-incrimination), and the right to counsel.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Criminal Justice Institute: Criminal Defense Clinic

**Course #:** 8002      **Term:** 2014FW      **Faculty:** Sullivan, Ronald; Umunna, Dehlia      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Open to 3Ls only

Required Class Component: Criminal Justice Institute: Defense Theory and Practice (3 fall credits + 1 winter credit). Once a student enrolls in this clinic, the Office of Clinical and Pro Bono Programs will enroll them in the required course.

Additional Co-/Pre-Requisites: Trial Advocacy Workshop (TAW) and Evidence. Students must enroll in both classes separately from the clinic enrollment. Failure to meet the pre/co-requisites by the clinic's add/drop deadline will result in the student being dropped from this clinic and class.

By Permission: No.

Add/Drop Deadline: September 2, 2014.

LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.

Multi-Semester: This is a fall-winter clinic (3 fall credits + 1 winter credit).

Placement Site: HLS.

Mandatory Meeting: All students must attend mandatory orientation sessions on Wednesday, October 1 AND Thursday, October 2, 2014. Additionally, each student is required to attend (as assigned) one day of court observation followed by a facility tour, which will be held on Monday (Sept. 29) or Tuesday (Sept. 30).

Students will examine the nature, functions, dynamics, and ethics of such tasks as interviewing, investigation, examination and cross-examination of witnesses, argument, and other aspects of criminal defense advocacy, both in and out of the courtroom. They will also examine the theory and practice of defense advocacy for minors accused of delinquency, focusing on the constitutional framework of the juvenile justice system. Students will study the Massachusetts juvenile courts, examining the history and philosophy of a separate juvenile system, juvenile court jurisdiction, and the impact of various state agencies on the administration of justice in juvenile court. The class component will attempt to develop a variety of operational and ethical frameworks within which students can understand and evaluate their practice experience.

Students can expect to represent clients on criminal and juvenile delinquency cases in the local courts. In the course of representing clients, students may be required to visit correctional institutions, which necessitate a background check. They may also provide representation to minors in school disciplinary hearings or represent adult clients in appellate or other post-conviction legal proceedings. Students will be responsible for providing complete legal representation to their clients during the course of the term and are expected to work a minimum of twenty hours per week at the Criminal Justice Institute under the supervision of a clinical instructor at the Institute. Students will receive one-to-one supervision, individual critique of their courtroom work, and participate in regular group sessions with their supervisor. Classroom reading and discussion will draw upon and complement the students experiences as defense counsel.

The teaching method will include exercises and discussions on the Code of Professional Responsibility and the Model Rules of Professional Responsibility. Students will become familiar with the Fourth, Fifth, Sixth, and Fourteenth Amendment rights of both adults and juveniles accused of delinquency, as well as the law of evidence and sentencing. There will be a review of essential lawyering skills in criminal practice.

The clinic and class will start the week after Fall TAW, September 29 - October 3, 2014. During this first week, all students must attend a number of mandatory orientation sessions. Each student is required to attend (as assigned) one day of court observation followed by a facility

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

tour, which will be held on Monday (Sept. 29) or Tuesday (Sept. 30) from 9:00 AM - 3:00 PM. Additionally, all students must attend the mandatory orientation sessions on Wednesday (Oct. 1) and Thursday (Oct. 2) from 2:00 PM - 6:00 PM each day. Starting this first week and throughout the Fall, class will meet on Wednesdays and Thursdays from 5:00 PM - 7:00 PM. During the Winter, class will meet on Wednesdays and Thursdays from 10:00 AM - 12:00 PM. Arraignments for those enrolled in the fall-winter clinic will be held during the month of October. Those enrolled in the winter-spring clinic will be attending arraignments during the month of January. All students must have at least one morning available for court, Monday through Thursday. Juvenile cases are heard only on Mondays, Tuesdays, and Wednesdays. Students enrolled in the fall-winter clinic will be taking the course exam at the end of January. Those enrolled in the winter-spring clinic will be taking the exam at the conclusion of their clinic experience in the spring.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Criminal Justice Institute: Criminal Defense Clinic

**Course #:** 8002      **Term:** 2015WS      **Faculty:** Sullivan, Ronald; Umunna, Dehlia      **Credits:** 5.00

**Type:** HLS Clinic      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Open to 3Ls only

Required Class Component: Criminal Justice Institute: Defense Theory and Practice (3 fall credits + 1 winter credit). Once a student enrolls in this clinic, the Office of Clinical and Pro Bono Programs will enroll them in the required course.

Additional Co-/Pre-Requisites: Trial Advocacy Workshop (TAW) and Evidence. Students must enroll in both classes separately from the clinic enrollment. Failure to meet the pre/co-requisites by the clinic's add/drop deadline will result in the student being dropped from this clinic and class.

By Permission: No.

Add/Drop Deadline: September 2, 2014.

LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.

Multi-Semester: This is a winter-spring clinic (1 winter credit + 4 spring credits).

Placement Site: HLS.

Mandatory Meeting: All students must attend mandatory orientation sessions on Wednesday, October 1 AND Thursday, October 2, 2014. Additionally, each student is required to attend (as assigned) one day of court observation followed by a facility tour, which will be held on Monday (Sept. 29) or Tuesday (Sept. 30).

Students will examine the nature, functions, dynamics, and ethics of such tasks as interviewing, investigation, examination and cross-examination of witnesses, argument, and other aspects of criminal defense advocacy, both in and out of the courtroom. They will also examine the theory and practice of defense advocacy for minors accused of delinquency, focusing on the constitutional framework of the juvenile justice system. Students will study the Massachusetts juvenile courts, examining the history and philosophy of a separate juvenile system, juvenile court jurisdiction, and the impact of various state agencies on the administration of justice in juvenile court. The class component will attempt to develop a variety of operational and ethical frameworks within which students can understand and evaluate their practice experience.

Students can expect to represent clients on criminal and juvenile delinquency cases in the local courts. In the course of representing clients, students may be required to visit correctional institutions, which necessitate a background check. They may also provide representation to minors in school disciplinary hearings or represent adult clients in appellate or other post-conviction legal proceedings. Students will be responsible for providing complete legal representation to their clients during the course of the term and are expected to work a minimum of twenty hours per week at the Criminal Justice Institute under the supervision of a clinical instructor at the Institute. Students will receive one-to-one supervision, individual critique of their courtroom work, and participate in regular group sessions with their supervisor. Classroom reading and discussion will draw upon and complement the students experiences as defense counsel.

The teaching method will include exercises and discussions on the Code of Professional Responsibility and the Model Rules of Professional Responsibility. Students will become familiar with the Fourth, Fifth, Sixth, and Fourteenth Amendment rights of both adults and juveniles accused of delinquency, as well as the law of evidence and sentencing. There will be a review of essential lawyering skills in criminal practice.

The clinic and class will start the week after Fall TAW, September 29 - October 3, 2014. During this first week, all students must attend a number of mandatory orientation sessions. Each student is required to attend (as assigned) one day of court observation followed by a facility

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

tour, which will be held on Monday (Sept. 29) or Tuesday (Sept. 30) from 9:00 AM - 3:00 PM. Additionally, all students must attend the mandatory orientation sessions on Wednesday (Oct. 1) and Thursday (Oct. 2) from 2:00 PM - 6:00 PM each day. Starting this first week and throughout the Fall, class will meet on Wednesdays and Thursdays from 5:00 PM - 7:00 PM. During the Winter, class will meet on Wednesdays and Thursdays from 10:00 AM - 12:00 PM. Arraignments for those enrolled in the fall-winter clinic will be held during the month of October. Those enrolled in the winter-spring clinic will be attending arraignments during the month of January. All students must have at least one morning available for court, Monday through Thursday. Juvenile cases are heard only on Mondays, Tuesdays, and Wednesdays. Students enrolled in the fall-winter clinic will be taking the course exam at the end of January. Those enrolled in the winter-spring clinic will be taking the exam at the conclusion of their clinic experience in the spring.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Criminal Justice Institute: Defense Theory and Practice

**Course #:** 2261      **Term:** 2014FW      **Faculty:** Sullivan, Ronald; Umunna, Dehlia      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Procedure & Practice

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Wed 5:00 PM - 7:00 PM	HAU104
Wed 10:00 AM - 12:00 PM	HAU104
Thu 10:00 AM - 12:00 PM	
Thu 5:00 PM - 7:00 PM	HAU104

**Course Description:** Open to 3Ls only  
Required Clinic Component: Criminal Justice Institute: Criminal Defense Clinic, either fall-winter (3 fall credits + 1 winter credit) or winter-spring (1 winter credit + 4 spring credits). Students must enroll in one of the two clinic offerings (fall-winter or winter-spring) before they are permitted to enroll in this required course.  
Additional Co-/Pre-Requisites: Trial Advocacy Workshop (TAW) and Evidence. Students must enroll in both classes separately from the clinic enrollment. Failure to meet the pre/co-requisites by the clinic's add/drop deadline will result in the student being dropped from this clinic and class.  
By Permission: No.  
Add/Drop Deadline: September 2, 2014.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.  
Multi-Semester: This is a fall-winter course (3 fall credits + 1 winter credit).  
Placement Site: HLS.  
Mandatory Meeting: All students must attend mandatory orientation sessions on Wednesday, October 1 AND Thursday, October 2, 2014. Additionally, each student is required to attend (as assigned) one day of court observation followed by a facility tour, which will be held on Monday (Sept. 29) or Tuesday (Sept. 30).  
Students will examine the nature, functions, dynamics, and ethics of such tasks as interviewing, investigation, examination and cross-examination of witnesses, argument, and other aspects of criminal defense advocacy, both in and out of the courtroom. They will also examine the theory and practice of defense advocacy for minors accused of delinquency, focusing on the constitutional framework of the juvenile justice system. Students will study the Massachusetts juvenile courts, examining the history and philosophy of a separate juvenile system, juvenile court jurisdiction, and the impact of various state agencies on the administration of justice in juvenile court. The class component will attempt to develop a variety of operational and ethical frameworks within which students can understand and evaluate their practice experience. In the accompanying clinic, students can expect to represent clients on criminal and juvenile delinquency cases in the local courts. In the course of representing clients, students may be required to visit correctional institutions, which necessitate a background check. They may also provide representation to minors in school disciplinary hearings or represent adult clients in appellate or other post-conviction legal proceedings. Students will be responsible for providing complete legal representation to their clients during the course of the term and are expected to work a minimum of twenty hours per week at the Criminal Justice Institute under the supervision of a clinical instructor at the Institute. Students will receive one-to-one supervision, individual critique of their courtroom work, and participate in regular group sessions with their supervisor. Classroom reading and discussion will draw upon and complement the students experiences as defense counsel.  
The teaching method will include exercises and discussions on the Code of Professional Responsibility and the Model Rules of Professional Responsibility. Students will become familiar with the Fourth, Fifth, Sixth, and Fourteenth Amendment rights of both adults and juveniles accused of delinquency, as well as the law of evidence and sentencing. There will be a review of

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

essential lawyering skills in criminal practice.

The clinic and class will start the week after Fall TAW, September 29 - October 3, 2014. During this first week, all students must attend a number of mandatory orientation sessions. Each student is required to attend (as assigned) one day of court observation followed by a facility tour, which will be held on Monday (Sept. 29) or Tuesday (Sept. 30) from 9:00 AM - 3:00 PM. Additionally, all students must attend the mandatory orientation sessions on Wednesday (Oct. 1) and Thursday (Oct. 2) from 2:00 PM - 6:00 PM each day. Starting this first week and throughout the Fall, class will meet on Wednesdays and Thursdays from 5:00 PM - 7:00 PM. During the Winter, class will meet on Wednesdays and Thursdays from 10:00 AM - 12:00 PM. Arraignments for those enrolled in the fall-winter clinic will be held during the month of October. Those enrolled in the winter-spring clinic will be attending arraignments during the month of January. All students must have at least one morning available for court, Monday through Thursday. Juvenile cases are heard only on Mondays, Tuesdays, and Wednesdays. Students enrolled in the fall-winter clinic will be taking the course exam at the end of January. Those enrolled in the winter-spring clinic will be taking the exam at the conclusion of their clinic experience in the spring.

This course satisfies the professional responsibility requirement.

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### Criminal Law 1

**Course #:** 1002      **Term:** 2015SP      **Faculty:** Starr, Sonja      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Location**

**Course Description:** This course offers a survey of basic principles of substantive criminal law. It begins by introducing some core principles of criminal liability that apply in a variety of contexts, such as the requirement of a voluntary act, the concept of culpable omissions, the range of potentially criminally culpable mental states, and the significance of mistakes of law and fact. We will then further explore and apply these principles via a close examination of the crimes of homicide and rape as well as drug possession and distribution, and then turn to general defenses to crimes, including justification and excuse theories. Next, we will look at inchoate crimes such as attempt and conspiracy as well as theories of individual liability for crimes physically perpetrated by others. Finally, we will study the structure and theory of modern sentencing law. Our discussion of these questions of black-letter law will be framed by discussion of the policy purposes of the criminal justice system and its consequences for individuals and society.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Criminal Law 2

**Course #:** 1002      **Term:** 2014FA      **Faculty:** Lanni, Adriaan      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

### Location

WCC2009

WCC2009

**Course Description:** This course considers the basic themes of substantive criminal law, including criminal responsibility, the significance of act, intent, causation and result, justification and excuse, and the rationales for punishment. General doctrinal principles of the criminal law and illustrative crimes are studied, including attempts, conspiracy, and the law of accomplice liability, defenses such as self-defense and insanity, and aspects of the law of homicide and rape. The course also considers some important issues in the administration of the criminal justice system, with special emphasis on the phenomenon of discretion. The rationales for allowing discretion, the proper scope of discretion, and the practical effects of discretion are examined in the context of particular institutional actors, with focus on prosecutorial charging discretion, the practice of plea bargaining, and current debates about sentencing discretion. The focus is not on criminal procedure in the conventional sense, but rather on the quintessentially substantive problem of understanding the criteria by which culpability and punishment are actually determined in the contemporary American criminal justice system.

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## Criminal Law 3

**Course #:** 1002      **Term:** 2014FA      **Faculty:** Chacón, Jennifer      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Wed 1:10 PM - 2:40 PM

Thu 1:10 PM - 2:40 PM

Fri 1:10 PM - 2:40 PM

### Location

PND101

PND101

PND101

**Course Description:** This course considers the basic themes of substantive criminal law, including criminal responsibility, the significance of act, intent, causation and result, justification and excuse, and the rationales for punishment. General doctrinal principles of the criminal law and illustrative crimes are studied, including attempts, conspiracy, and the law of accomplice liability, defenses, and aspects of the law of homicide and rape. The course also considers important issues in the administration of the criminal justice system.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Criminal Law 4

**Course #:** 1002      **Term:** 2015SP      **Faculty:** Suk, Jeannie      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

### Location

**Course Description:** This course considers the basic themes of substantive criminal law, including criminal responsibility, the significance of act, intent, causation and result, justification and excuse, and the rationales of punishment. General doctrinal principles of the criminal law and illustrative crimes are studied, including homicide, rape, attempt, complicity, and conspiracy. The course also considers constitutional principles of criminal justice. Laptops and electronic devices cannot be used in class. Class participation is required.

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## Criminal Law 5

**Course #:** 1002      **Term:** 2014FA      **Faculty:** Sullivan, Ronald      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

### Location

WCC1023

WCC1023

WCC1023

**Course Description:** This course considers the basic themes of substantive criminal law, including criminal responsibility; the significance of act, intent, causation, and result; justification and excuse; and the rationale of punishment. Doctrinal principles having to do with insanity, other defenses, attempts, and conspiracy are studied, as well as the law of homicide, theft, and rape. So far as time permits, the course will include a general overview of the criminal process.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Criminal Law 6

**Course #:** 1002      **Term:** 2015SP      **Faculty:** Whiting, Alex      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

### Location

**Course Description:** This course considers the basic themes of substantive criminal law, including criminal responsibility, the significance of act, intent, causation and result, justification and excuse, and the rationales for punishment. General doctrinal principles of the criminal law and illustrative crimes are studied, including attempts, conspiracy, and the law of accomplice liability, defenses such as self-defense and insanity, and aspects of the law of homicide and rape. The course also considers some important issues in the administration of the criminal justice system, with special emphasis on the phenomenon of discretion. The rationales for allowing discretion, the proper scope of discretion, and the practical effects of discretion are examined in the context of particular institutional actors, with focus on prosecutorial charging discretion, the practice of plea bargaining, and current debates about sentencing discretion. The focus is not on criminal procedure in the conventional sense, but rather on the quintessentially substantive problem of understanding the criteria by which culpability and punishment are actually determined in the contemporary American criminal justice system.

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## Criminal Law 7

**Course #:** 1002      **Term:** 2015SP      **Faculty:** Suk, Jeannie      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

### Location

**Course Description:** This course considers the basic themes of substantive criminal law. General doctrinal principles of the criminal law and illustrative crimes are studied, usually including the following topics: defenses, insanity, conspiracy, attempts, and aspects of the law of homicide and rape. The course also considers select aspects of criminal procedure, including prosecutorial discretion, plea bargaining, and sentencing.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Crimmigration Clinic

**Course #:** 8043      **Term:** 2015SP      **Faculty:** Torrey, Philip      **Credits:** 2.00

**Type:** HLS Clinic      **Subject Areas:** Constitutional Law & Civil Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Course Component: Crimmigration: The Intersection of Criminal Law and Immigration Law (2 fall credits). Students who enroll in this required course are then eligible to apply to the Crimmigration Clinic.

Additional Co-/Pre-Requisites: None.

By Permission: Yes.

Add/Drop Deadline: January 16, 2015.

LLM Students: LLM students may apply to the clinic if they are enrolled in the required fall 2014 course component.

In the Crimmigration Clinic students will work on cutting-edge issues regarding the intersection of criminal law and immigration law. For example, students may work on amicus briefs or policy memoranda concerning the rising use of immigration detention, due process concerns in crime-based removal proceedings or constitutional issues arising from state enforcement of federal immigration laws. Students may also research and draft response letters to detainees in criminal or immigration custody who are facing deportation because of their criminal history. Clinical work will be performed at HLS, under the supervision of Lecturer on Law and Clinical Instructor Phil Torrey, and in collaboration with non-profit organizations, such as the American Civil Liberties Union, the National Immigration Project of the National Lawyers Guild, and the Immigrant Defense Project, which specialize in crimmigration-related litigation and policy initiatives.

Enrollment in the Crimmigration Clinic is by application only and is capped at eight students. The course, Crimmigration: The Intersection of Criminal Law and Immigration Law, which is offered in the Fall 2014 semester, is a prerequisite for enrollment in the Crimmigration Clinic. Students enrolled in the Fall 2014 course will receive more information about the Spring clinical component and the process by which to apply throughout the Fall semester.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Crimmigration: The Intersection of Criminal Law and Immigration Law

**Course #:** 2597      **Term:** 2014FA      **Faculty:** Torrey, Philip      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Criminal Law & Procedure; Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

Thu 5:00 PM - 7:00 PM

**Location**

WCC4059

**Course Description:** As record numbers of non-citizens are being deported from the United States because of criminal convictions, it is increasingly important for immigration attorneys and criminal defense attorneys to understand the immigration consequences of criminal convictions. Indeed, the United States Supreme Court recently held that criminal defense attorneys are obligated to advise their non-citizen clients about the immigration consequences of guilty pleas. The goal of this course is to introduce students to the myriad of issues concerning the intersection of immigration law and criminal law and give students the skills to recognize and analyze immigration consequences of criminal convictions. The course will cover both legal doctrine and policy issues concerning immigration detention and enforcement.

This course is a prerequisite for the Crimmigration Clinic (by application) offered in the Spring 2015 semester. Students who enroll in this course will receive additional information about the option for Spring clinical work and the process by which to apply throughout the Fall semester.

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## Critical Race Theory

**Course #:** 2279      **Term:** 2014FA      **Faculty:** Mack, Kenneth      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**

Wed 3:00 PM - 5:00 PM

**Location**

WCC3008

**Course Description:** This course will consider one of the newest intellectual currents within American Legal Theory -- Critical Race Theory. Emerging during the 1980s, critical race scholars made many controversial claims about law and legal education -- among them that race and racial inequality suffused American law and society, that structural racial subordination remained endemic, and that both liberal and critical legal theories marginalized the voices of racial minorities. Course readings will be taken from both classic works of Critical Race Theory and newer interventions in the field, as well as scholarship criticizing or otherwise engaging with Critical Race Theory from outside or at the margins of the field.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Current Issues in Corporate Governance

**Course #:** 2053      **Term:** 2014FA      **Faculty:** Fried, Jesse; Corre, Isaac      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC3008

**Course Description:** This seminar focuses on current topics in executive compensation and corporate governance at widely-held U.S. firms. Most of the sessions will feature leading attorneys and other distinguished practitioners discussing their work.

Prerequisite: Corporations or permission of the instructor to waive the prerequisite.

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## Custom and Legal Authority: Advanced Topics in Jewish Law and Legal Theory

**Course #:** 2437      **Term:** 2014FA      **Faculty:** Feldman, Noah      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

Tue 7:00 PM - 9:00 PM

**Location**

WCC3011

**Course Description:** The group will examine sociological questions of the Yeshiva world as well as theoretical/textual ones regarding what is studied, and how, and by whom.

Prerequisite: This seminar will be by permission of the instructor, who strongly prefers that students have a background in advanced study of Jewish legal material. To apply please send a short statement of interest including background in Jewish legal studies to [nfeldman@law.harvard.edu](mailto:nfeldman@law.harvard.edu) with a copy to [swhalen@law.harvard.edu](mailto:swhalen@law.harvard.edu). Deadline for application is Friday, September 12.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Cyberlaw Clinic

**Course #:** 8004      **Term:** 2014FA      **Faculty:** Bavitz, Christopher; Topelson, Dalia      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Cyberlaw Clinical Seminar (2 fall credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course. Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS (Berkman Center).  
The Cyberlaw Clinic, based at Harvards Berkman Center for Internet and Society, engages Harvard Law School students in a wide range of real-world client counseling, licensing and transactional, litigation, advocacy, and policy projects and cases, covering a broad spectrum of issues relating to technology and the Internet. The Clinic's work includes offering legal guidance in the areas of communications infrastructure; consumer protection, privacy, and compliance; cybercrime and youth online safety; general Internet business law; intellectual property (including copyright, trademark, and patent); litigation and amicus advocacy; online speech, media law, and the First Amendment; and technology and access to justice. Clinic clients include entrepreneurs; mission-oriented non-profits and other startups; public media companies; government institutions; and advocacy organizations working on issues relating to privacy, IP, online speech, and civil liberties. Students in the Clinic have the opportunity to develop substantive legal knowledge and hone their practice skills by managing projects, engaging directly with clients, and receiving feedback and mentorship from instructors who are experienced practitioners in the field. Detailed information about all aspects of the Clinics practice, including descriptions of representative clients and projects and copies of Clinic filings and publications, is available at the Clinics website, <http://cyberlawclinic.berkman.harvard.edu>.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Cyberlaw Clinic

**Course #:** 8004      **Term:** 2015SP      **Faculty:** Bavitz, Christopher; Topelson, Dalia      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Cyberlaw Clinical Seminar (2 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course. Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS (Berkman Center).  
The Cyberlaw Clinic, based at Harvards Berkman Center for Internet and Society, engages Harvard Law School students in a wide range of real-world client counseling, licensing and transactional, litigation, advocacy, and policy projects and cases, covering a broad spectrum of issues relating to technology and the Internet. The Clinic's work includes offering legal guidance in the areas of communications infrastructure; consumer protection, privacy, and compliance; cybercrime and youth online safety; general Internet business law; intellectual property (including copyright, trademark, and patent); litigation and amicus advocacy; online speech, media law, and the First Amendment; and technology and access to justice. Clinic clients include entrepreneurs; mission-oriented non-profits and other startups; public media companies; government institutions; and advocacy organizations working on issues relating to privacy, IP, online speech, and civil liberties. Students in the Clinic have the opportunity to develop substantive legal knowledge and hone their practice skills by managing projects, engaging directly with clients, and receiving feedback and mentorship from instructors who are experienced practitioners in the field. Detailed information about all aspects of the Clinics practice, including descriptions of representative clients and projects and copies of Clinic filings and publications, is available at the Clinics website, <http://cyberlawclinic.berkman.harvard.edu>.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Cyberlaw Clinic

**Course #:** 8004      **Term:** 2015WI      **Faculty:** Bavitz, Christopher; Topelson, Dalia      **Credits:** 2.00

**Type:** HLS Clinic      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: N/A.  
Additional Co-/Pre-Requisites: Students must have taken a prior semester of the Cyberlaw Clinic to be eligible to apply.  
By Permission: Yes. Applications are due October 17, 2014.  
Add/Drop Deadline: December 5, 2014.  
LLM Students: LLM students who have enrolled in the fall semester of the Cyberlaw clinic are eligible to apply.  
Placement Site: HLS (Berkman Center).  
The winter term Cyberlaw Clinic is a by-application offering for advanced students only (student who have taken a prior semester of the clinic). The Cyberlaw Clinic, based at Harvards Berkman Center for Internet and Society, engages Harvard Law School students in a wide range of real-world client counseling, licensing and transactional, litigation, advocacy, and policy projects and cases, covering a broad spectrum of issues relating to technology and the Internet. The Clinic's work includes offering legal guidance in the areas of communications infrastructure; consumer protection, privacy, and compliance; cybercrime and youth online safety; general Internet business law; intellectual property (including copyright, trademark, and patent); litigation and amicus advocacy; online speech, media law, and the First Amendment; and technology and access to justice. Clinic clients include entrepreneurs; mission-oriented non-profits and other startups; public media companies; government institutions; and advocacy organizations working on issues relating to privacy, IP, online speech, and civil liberties. Students in the Clinic have the opportunity to develop substantive legal knowledge and hone their practice skills by managing projects, engaging directly with clients, and receiving feedback and mentorship from instructors who are experienced practitioners in the field. Detailed information about all aspects of the Clinics practice, including descriptions of representative clients and projects and copies of Clinic filings and publications, is available at the Clinics website, <http://cyberlawclinic.berkman.harvard.edu>. Applications are due by October 17, 2014. To apply, please send a resume and brief personal statement to the clinics project coordinator.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Cyberlaw Clinic Seminar

**Course #:** 2674      **Term:** 2014FA      **Faculty:** Bavitz, Christopher; Topelson, Dalia      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Wed 1:00 PM - 3:00 PM

**Location**

WCC3018

**Course Description:** Required Clinic Component: Cyberlaw Clinic (2-4 fall credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students may apply to the clinic by submitting an application.  
This seminar is required for all students enrolled in the Cyberlaw Clinic. The course incorporates instruction about substantive legal issues at the heart of the Clinics practice, case studies and exercises designed to enhance students practice skills, and consideration of questions of ethics and professional responsibility that arise in the Clinics practice. Through regular case rounds presentations and discussions, students have the opportunity to share information with and solicit feedback from Clinic colleagues about their work. Please see the clinic's course description for more information.

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## Cyberlaw Clinic Seminar

**Course #:** 2674      **Term:** 2015SP      **Faculty:** Bavitz, Christopher; Topelson, Dalia      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Wed 1:00 PM - 3:00 PM

**Location**

**Course Description:** Required Clinic Component: Cyberlaw Clinic (2-4 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to the clinic by submitting an application.  
This seminar is required for all students enrolled in the Cyberlaw Clinic. The course incorporates instruction about substantive legal issues at the heart of the Clinics practice, case studies and exercises designed to enhance students practice skills, and consideration of questions of ethics and professional responsibility that arise in the Clinics practice. Through regular case rounds presentations and discussions, students have the opportunity to share information with and solicit feedback from Clinic colleagues about their work. Please see the clinic's course description for more information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Deals

**Course #:** 2445      **Term:** 2015SP      **Faculty:** Subramanian, Guhan      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

### Location

**Course Description:** This advanced negotiation course examines complex corporate deals. Many of the class sessions will be structured around recent or ongoing deals, selected for the complex issues of law and business that they raise. Student teams will research and analyze these transactions in order to present their most important aspects and lessons to the class. For many of these presentations (as well as some more traditional case studies and exercises), the lawyers, bankers, and/or business principals who participated in the transaction under discussion will attend class, listen to the team's assessment, provide their perspectives, and suggest broader negotiation insights.

Topics developed throughout the course include: how negotiators create and claim value through the setup, design, and tactical implementation of agreements; complexities that can arise through agency, asymmetric information, moral hazard, and adverse selection; structural, psychological, and interpersonal barriers that can hinder agreement; and the particular challenges inherent in the roles of advisors as negotiators. The course will also explore the differences between deal-making and dispute resolution; single-issue and multiple-issue negotiations; and between two parties and multiple parties.

Evaluation will be on the basis of class participation and deal presentation.

Pre-requisites: Corporations; Negotiations Workshop or equivalent.

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## Decision-Making and Leadership in the Public Sector

**Course #:** 2267      **Term:** 2015SP      **Faculty:** Heymann, Philip      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Government Structure & Function

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

### Location

**Course Description:** Lawyers are as deeply involved in political decision making as they are in judicial decision making, whether the occasion is legislation or administrative regulation or deciding on a discrete action by a governmental or other organizational unit. They also are called upon to manage public organizations. Most people learn these additional skills, if at all, through experience. There is, however, a logic that can help almost as much in understanding political choices as learning the basics of legal argument does in understanding judicial choices. The course teaches the thought process of policy choice and of management. At the same time, it provides vicarious experience in a variety of political/managerial settings through detailed case studies mostly produced at the Kennedy School of Government. Most classes involve adopting a particular role in a specific situation and thinking through what you might want to accomplish in that role and how to go about it in that setting. The examples are from domestic and foreign policy areas and almost always involve the political structures of the United States.

Note: This course is jointly-listed with HKS as MLD-326.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Delivery of Legal Services Clinic

**Course #:** 8037      **Term:** 2014FA      **Faculty:** Charn, Jeanne      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges (3 fall credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/PreRequisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Various externship placements.  
This clinic offers students the opportunity to work with externship organizations dedicated to expanding access to the civil justice system in the United States, such as legal services organization or other non-profit/advocacy organization. Placements are coordinated through the Office of Clinical and Pro Bono Programs.

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## Delivery of Legal Services Clinic

**Course #:** 8037      **Term:** 2015SP      **Faculty:** Charn, Jeanne      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Legal Profession: Delivery of Legal Services (3 spring credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/PreRequisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Various externship placements.  
This clinic offers students the opportunity to work with externship organizations dedicated to expanding access to the civil justice system in the United States, such as legal services organization or other non-profit/advocacy organization. Placements are coordinated through the Office of Clinical and Pro Bono Programs.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Democracy, the Incomplete Experiment

**Course #:** 2485      **Term:** 2015SP      **Faculty:** Robinson, Stephanie      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This course interrogates the ways in which democracy, as practiced in the United States, continues to form. In doing so, it explores provocative themes and questions of citizenship, self governance, accountability and inclusion in American democracy while grappling with issues of race, class and gender. It moves beyond limited representations of democratization as the quest for universal suffrage and fair elections to a more fluid, real-time construct of competing interests, negotiated outcomes, stressed and malleable institutions, and tumultuous changes. It further clarifies the democratic process as one subject to ongoing interpretation, challenge and renewal.

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## Diagnosing - and Making - Constitutional Argument

**Course #:** 2492      **Term:** 2015SP      **Faculty:** Parker, Richard      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This will be a hands-on, research seminar. Working online with Supreme Court opinions, students will elaborate and critique my theory of the practice of constitutional argument. It is not necessary to have taken one of my classes. I will describe the theory. What is desirable is that you be motivated to engage in a close and comparative reading of moves and motifs in a range of opinions -- leading to a systematic mapping and assessment of them. The aim, of course, is to learn how to make the most effective argument at any time on any side of any constitutional issue.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Digital Islamic Law Lab: Online Analysis of Contemporary Islamic Legislation and Interpretation

**Course #:** 2688      **Term:** 2015SP      **Faculty:** Rabb, Intisar      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** This course (inspired by the Global Anticorruption Lab, taught in Spring 2013), will provide an opportunity for students interested in assessing the way Islamic law manifests and functions in contemporary contexts to work independently on discrete research projects in a collaborative, interactive setting. Students will select one or more topics in legislation and interpretation in a Muslim-majority or Muslim-minority country to explore during the semester. Typical topics will include issues in criminal law, family law, Islamic finance in addition to Islamic constitutional law. We will meet each week for an hour to discuss each other's research, offer feedback, and brainstorm approaches for accessing and analyzing research questions. In lieu of a final paper or short weekly response papers, students will instead be expected to contribute four substantive posts (1-3 paragraphs each) to a newly-created blog called SHARIAsource, which aims-SCOTUSblog style-to collect and contextualize new legal developments in Islamic law globally. Unlike SCOTUSblog, which focuses on the decisions issued by a single institution in one country, SHARIAsource will focus on comparable institutions in different countries. Participants will also be expected to participate in online discussion and debates about other blog entries, and to monitor online sources and blogs for new developments on Islamic law online related to their chosen research projects. Students interested in expanding their research into a full paper may do so for an appropriate number of additional independent writing credits.

Prerequisite: Enrollment is limited to 12, and is by permission of the instructor. Interested students should email Professor Rabb (irabb@law.harvard.edu); the email should include a current CV, a short statement of interest (preferably including one or two topics you might be interested in writing about)-not to exceed one page, and a list of days/times during the Spring semester when you cannot meet. All applications are due by October 10, 2014; students will be notified after this date of their status in this course.

A prior course on Islamic Law is helpful, but not necessary for enrollment in the course.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Digital Privacy

**Course #:** 2684      **Term:** 2015SP      **Faculty:** Fertik, Michael      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

### Course Description:

The law and reality of digital privacy are undergoing seismic shift. This course will examine the sources of that shift, predict where it will take us in the coming decade, and consider how we might hasten or avoid the better and worse parts of the future. The course will leverage the "middle distance horizon" -- 2025 -- as a prism through which to examine the most radical and difficult of today's privacy questions, chiefly as they present in the fields of law and technology. We will seek to identify the privacy-related trends that appear "inevitable" as of now and the ones that may more readily be shaped or thwarted through acts of law or the market. We will aim to classify the principal objectives of privacy as well as levers that may exist to advance or forestall their interests. The levers we shall consider will include new statute or regulation, public and private enforcement of existing law, and technical or commercial innovation.

To inform our discussion, we will explore key drivers of privacy outcomes. We will examine the role of disruptive technologies, such as Google Glass, drones, Snapchat, super cookies, wearables, and the Internet of Things. We will analyze the economics of digital privacy and the Big Data "advertising" economy of Silicon Valley. We will consider the systemic impact of both legacy and cutting edge choices of technical architecture, including provenance-stamping of data, the Internet authentication layer, and the Three Laws of Digital Privacy. We will also examine highly levered "soft variables" such as the habits and incentives of the corporate Chief Privacy Officer, who often finds herself balancing between the distinguishable postures of "Compliance" and "Privacy." We will finally consider how classical forms of law can keep up with rapid changes in technology, whether through updating of statute and regulation or application of existing tools by increasingly savvy regulators.

The course will pay special attention to the emerging nexus between Big Brother -- the traditional focus of both privacy advocacy specifically and American rights-based study generally -- and the increasingly omniscient panopticon of Little Brother, the class of private companies that are building rich profiles of our lives. We will weigh the considerable advantages of public and private Big Data -- and the intermingling of the same -- against the erosion of privacy they possibly necessitate. As ongoing revelations of massively scaled government surveillance indicate and will surely continue to indicate by the start of this class in Spring 2015, private companies possess data without which even liberal regimes do not think they can operate.

Materials will include fundamental and immediately contemporary texts relevant to digital privacy. In addition, we can anticipate visits to our class by senior figures in the privacy landscape, including, for example, senior privacy regulators, senior corporate officers responsible for Big Data and privacy, startup founders and/or investors, and leading global journalists on the privacy beat. No technical knowledge is assumed.

For the sake of focus, our course will be limited to examination of personal privacy, not corporate interests in privacy. We will likewise focus on digital privacy chiefly outside the scope of healthcare (e.g. HIPAA), though the impact of Internet privacy on health provision will be considered. We will focus on the US and EU privacy landscape, though occasional enforcement action or statutory exemplars from other jurisdictions will be considered.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

Note: The reading group will meet on the following dates: 1/29, 2/12, 2/26, 3/12, 4/2, 4/16.

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## Disability Law

**Course #:** 2058      **Term:** 2014FA      **Faculty:** Emens, Elizabeth      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

**Location**

WCCB015

WCCB015

**Course Description:** This course examines disability law and theory. The emphasis is on US statutory law, with a particular focus on the Americans with Disabilities Act, the ADA Amendments Act, and the Individuals with Disabilities Education Act. Material from psychology, philosophy, economics, and literature supplements the legal readings. Topics include the following: the challenge of defining disability; the social and medical models of disability; the continuities and discontinuities among different kinds of disabilities, including physical and mental, psychiatric and cognitive; the nature and causes of disability discrimination; the proper scope of legal regulation; the costs and benefits of accommodation; the overlapping and distinctive features of regulating discrimination in different domains such as employment, education, and public accommodations; what disability law and theory can teach antidiscrimination law more generally; and the role of extra-legal knowledge in the legal project of responding to disability discrimination.

The course has no prerequisites and is open to LL.M.s, J.D.s, and cross-registrants. Grades will be based on class participation, response papers, and performance on a final take-home exam.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Disability, Human Rights, and Development

**Course #:** 2712      **Term:** 2015SP      **Faculty:** Stein, Michael Ashley      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This course will examine the current and future status of disability rights as a focus for both human rights theory and for thinking about what constitutes development and development assistance. After reviewing the historical status of disabled persons both practically and within the international human rights system, we will examine the United Nations Convention on the Rights of Persons with Disabilities, the first human rights treaty of the twenty-first century. The CRPD has, on its face, dramatically raised the standards for how disability rights are conceived, developed, and implemented around the globe while also pushing human rights jurisprudence in new directions. Yet many questions remain open regarding how to make it operational around the world. We will consider what effect the CRPD has had on law reform and development (including developmental aid and humanitarian assistance), as well as what barriers and systemic concerns remain to be addressed. Throughout, we will look at a few specific disabilities (such as Deafness) as a way of identifying themes that cross boundaries, cultures, and approaches to realizing disability rights.

The course will meet once a week, with the grade determined by an any day take-home exam or a paper.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Dispute Systems Design

**Course #:** 2059      **Term:** 2015SP      **Faculty:** Viscomi, Rachel      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Lawyers are often called upon to help design systems for managing and/or resolving conflicts that support or supplant existing legal structures. Implicitly or explicitly, every institution and organization has a system for managing disputes. In some cases, the system may be formal, with administrative hearings, courts, tribunals, and complex appeal and review processes. In other cases, organizations may have few if any formal means for managing conflict. In these instances, conflicts may either be handled through informal negotiation and mediation or by ignoring it altogether. As individuals, institutions, organizations, and nations become more aware of the ever-rising cost of conflict (in economic, relational, and human terms), many are seeking to design and implement systems to manage disputes with greater effectiveness and efficiency. Though lawyers have traditionally been viewed primarily as advocates who resolve already-ripened disputes through litigation and negotiation, a growing interest in more efficient and tailored approaches to conflict management has highlighted the special opportunity for lawyers to serve as creative "dispute process architects." This seminar will introduce students to the theory and promise of dispute systems design with an aim to train students to play this new and more creative professional role. After an overview of various dispute resolution processes and a thorough introduction to the basics of dispute systems design, the course will offer for analysis several domestic and international case studies of dispute systems design in practice. These may include an examination of cross-border e-commerce, university harassment policies, transitional justice programs and truth commissions in the aftermath of atrocities, and institutional integrated conflict management systems in U.S. organizations.

15 seats are reserved for students enrolled in the spring Negotiation and Mediation Clinic. Students must be enrolled in the clinic before they can claim one of these reserved seats. A student's enrollment in a reserved clinical seat is dependent on the student's enrollment in the spring Negotiation and Mediation Clinic. Please see the clinic's description for more information or contact the Office of Clinical and Pro Bono Programs.

Prerequisite:Negotiation Workshop. For LLM students permission is required. Please email your resume and a statement of interest to [rviscomi@law.harvard.edu](mailto:rviscomi@law.harvard.edu).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Drug Product Liability Litigation

**Course #:** 2293      **Term:** 2014FA      **Faculty:** Grossi, Peter      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law

**Delivery Mode:** Course

### Days and Times:

Tue 5:00 PM - 7:00 PM

Wed 5:00 PM - 7:00 PM

### Location

WCCB010

WCCB010

**Course Description:** More product liability lawsuits are filed against prescription drug manufacturers than against all other industries combined. As one scholar put it, the pharmaceutical industry is now "in tobacco-land in terms of how much people hate it," and drug product liability litigation is a "growth industry." This course, which will be taught by a practitioner with 25 years of experience trying such cases, will consider the theory and practice of such litigation before, and now after, the Supreme Courts landmark decision in *Wyeth v. Levine*.

At the outset, we will focus on the similarities and differences between pharma cases and other product liability cases, using the "Phen-Fen" (Diet Drug) cases tried by the instructor as a model, and on the special context of FDA regulation. We will then consider the legal doctrines governing such lawsuits, such as "failure to test"; inadequate warning; learned intermediary; medical causation; and various forms of damages. We will discuss these issues both in their classic formulations in a single lawsuit, but also in the way those principles are applied in the context of a mass pharmaceutical litigation where there may be several thousand individual claimants and multiple jury trials.

The course will also consider the practical application of these doctrines, including the special evidentiary problems when doctors are witnesses; discovery tactics where regulatory agencies are involved; techniques to present complex scientific material to juries; approaches to trial examination; and jury selection strategies. Again, we will review both the legal principles governing these issues and the way they are often mutated in the context of mass claims and trials.

Course Requirements: Class participation (10%); short mid-term "bench memorandum" in mid-October (40%); take-home final exam (open book) in mid-November (50%).

Note: The course will meet on the following dates: September 9, 10, 16, 17, 30 and October 1, 7, 15, 21, 22, 28, and 29.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Economic Analysis of Law

**Course #:** 2062      **Term:** 2014FA      **Faculty:** Shavell, Steven      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Legal & Political Theory; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

### Location

WCC1015

WCC1015

**Course Description:** What effects does law have? Do individuals drive more cautiously, clear ice from sidewalks more diligently, and commit fewer crimes because of the threat of legal sanctions? Do corporations pollute less, market safer products, and obey contracts to avoid suit? And given the effects of legal rules, which are socially best? Such questions about the influence and desirability of laws have been investigated by legal scholars and economists in a rigorous and systematic manner since the 1970s. Their approach, labeled "economic," is widely considered to be intellectually important and to have revolutionized thinking about the law. This course will provide an in-depth analysis and synthesis of the economic approach to the analysis of the major building blocks of our legal system - tort law, property law, contract law, criminal law, and the legal process. The course will also address welfare economic versus moral conceptions of the social good. The course is aimed at a general audience of students. No economic background is needed to take it.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Education Advocacy and Systemic Change: Children at Risk

**Course #:** 2063      **Term:** 2014FA      **Faculty:** Gregory, Michael; Cole, Susan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

Thu 5:00 PM - 7:00 PM

**Location**

WCC5050

**Course Description:**

Required Clinic Component: Education Law Clinic (3-4 fall credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: September 3, 2014.

LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.

Students must attend a mandatory orientation session before the beginning of classes on Saturday, September 6, 2014 from 9am-2pm.

In this seminar associated with the Education Law Clinic's Individual Case Advocacy students learn the theory and skills of case advocacy and its role in larger systemic change remedies. Students will learn to provide effective direct representation to clients in the special education system. The course is organized around a series of hands-on simulations, designed to help students develop the following skills: interviewing and counseling clients; reading and interpreting educational evaluations; preparing and interviewing expert witnesses; identifying substantive and procedural violations; formulating legal arguments and theories of the case; and interacting and negotiating with opposing counsel. In a typical semester, a hearing officer from the Massachusetts Bureau of Special Education Appeals visits the course and presides over a simulated settlement conference. In addition to building these concrete skills, the course will introduce students to a theoretical orientation that encourages them to see the individual child in a holistic way and to use their developing legal skills to obtain individual remedies that embrace all parts of the child. Students will also learn how to identify systemic problems, assess the education systems response to at-risk children, and reflect on the challenges and rewards of interdisciplinary advocacy at the intersection of the fields of law, education, neurobiology, psychology, and public policy. Students will learn the unique role lawyers can play as part of an education reform movement and understand the need for multiple remedies that account for the complexity in the school experience of a child. Students will learn about the impact that traumatic experiences can have on children's learning, behavior and relationships in school and about the ongoing multi-strategic advocacy campaign for safe and supportive school environments that is being conducted by the Trauma and Learning Policy Initiative (TLPI), a partnership between HLS and Massachusetts Advocates for Children.

There is no final examination for this course; students will prepare a "rounds" memo and presentation in which they lead a discussion with their colleagues based on their case. All students in this class are required to enroll in the Education Law Clinic and will be expected to attend a mandatory 9am - 2PM orientation session before the beginning of classes on Saturday, September 6, 2014. Please refer to the Office of Clinical and Pro Bono Programs (<http://www.law.harvard.edu/academics/clinical>) for clinical registration dates and early add/drop deadlines.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Education Law and Policy

**Course #:** 2064      **Term:** 2015SP      **Faculty:** Gregory, Michael      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Government Structure & Function

**Delivery Mode:** Course

### Days and Times:

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

### Location

### Course Description:

This course will survey several contemporary legal and policy issues in American elementary and secondary education, including school finance litigation; school discipline and the rise of "Zero Tolerance" policies; bullying prevention and intervention; the reauthorization of No Child Left Behind and the Obama administrations waiver program and Race to the Top initiative; educator evaluation systems; special education and bilingual education; the (re)segregation of historically disadvantaged groups; and the school choice movement; among others. In the context of these current education reform problems, we will consider the role that legal doctrine (e.g., the First Amendment, the Due Process Clause, compulsory education laws, federal civil rights laws, state constitutions, etc.) plays in shaping the structure and process of public education. We will also read and discuss non-legal texts of various kinds by educators, journalists, sociologists and others. Several recurring themes and questions will guide our analysis, including: How should the law allocate authority for deciding how children should be educated and what they should learn? What constitutes equal educational opportunity and what measures should we use to determine whether or not it exists? Similarly, how should we measure student achievement and remedy gaps that exist between the achievement levels of various subgroups? How does education policy get made and what role can and should law and lawyers play in designing solutions to problems in education policy? We will consider how courts, legislatures and other stakeholders have answered these questions and how their answers have been shaped by competing ideological narratives about the necessary and appropriate role of public education in a democracy.

A major part of the grade for this course will be a small-group project and presentation that will be assigned at the beginning of the semester. There will also be a last-class take home exam.

Students enrolling in this course are strongly encouraged to enroll in either the fall or spring section of the Education Law Clinic (and should do so separately through the clinical registration process).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Education Law Clinic

**Course #:** 8006      **Term:** 2014FA      **Faculty:** Gregory, Michael; Cole, Susan      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Education Advocacy and Systemic Change: Children at Risk (2 fall credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.  
Placement Site: HLS.  
Students must attend a mandatory orientation session before the beginning of classes on Saturday, September 6, 2014 from 9am-2pm.  
The Education Law Clinic engages students in individual special education advocacy and systemic change projects to advance the school success of children who have endured highly adverse childhood experiences. Students use the legal tools contained in the Individuals with Disabilities Education Act (IDEA), McKinney Vento Homeless Assistance Act, Section 504 of the Rehabilitation Act of 1972, federal and state statutes regarding confidentiality and other laws to advocate for individual remedies that will enable their client's children to succeed in school. Students will utilize research from psychology, neurobiology, and education about the effects of trauma on learning and behavior as part of their representation. Depending on the posture of the cases in the clinic, students will represent clients either at the first administrative hearing level-the team meeting-or at the administrative appeal level-the Bureau of Special Education Appeals. Past students have made enormous differences in the lives of children by reversing school exclusions and obtaining needed supports for individual children at school.  
Though the major focus of students' clinic work will be direct client representation, students will also engage in a smaller systemic project that further's TLPI's broader mission. Student systemic work has included setting up a legislative briefing at the MA state house on the impact of trauma on learning; presentations to expert evaluators and to child welfare attorneys on the laws regarding special education; setting up a domestic violence outreach project at shelters across the state; and participating in a legislative campaign to make school-wide environments Safe and Supportive.  
The Education Law Clinic is part of the Trauma and Learning Policy Initiative (TLPI), a collaboration between HLS and Massachusetts Advocates for Children, the mission of which is to ensure that all children traumatized by exposure to violence and other adverse childhood experiences succeed in school. The clinic's direct legal representation of individual families is a key strategy in TLPI's ongoing multi-strategic advocacy campaign to create safe and supportive school environments where all students can learn.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Education Law Clinic

**Course #:** 8006      **Term:** 2015SP      **Faculty:** Gregory, Michael; Cole, Susan      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Legislative Lawyering in Education (2 spring credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.  
Placement Site: HLS.  
Students must attend a mandatory orientation session before the beginning of classes on Saturday, January 24, 2014 from 9am-2pm.

The Education Law Clinic is part of the Trauma and Learning Policy Initiative (TLPI), a collaboration between HLS and Massachusetts Advocates for Children (MAC), the mission of which is to ensure that all children traumatized by exposure to violence and other adverse childhood experiences succeed in school. Students in this clinic will participate directly in TLPI's ongoing multi-strategic advocacy campaign. Students will learn by doing state-level legislative and administrative lawyering work that furthers the mission of TLPI. Specific activities will vary depending on the semester, but they can include: drafting legislation; meeting with members of the legislature, the education bureaucracy, and their staff; drafting and distributing media advisories, op-eds and press releases; communicating with and rallying constituents to put pressure on their lawmakers; organizing an agenda for and participating in a coalition meeting; using branding and media as strategies for effectively conveying a message; and using empirical research as part of an advocacy strategy. Students will have the opportunity to develop their writing skills by working on a variety of documents that are important in the law- and policy-making process; again, this will vary by semester but can include statutes, regulatory comments and language, briefing materials, talking points, correspondence, and communications to the media. Students will gain an understanding of roles that are critical to executing effectively a legislative and/or administrative campaign: strategist, policy researcher, legislative lawyer, lobby manager, outreach strategist, and communications director.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Efficiency and Fairness in Torts

**Course #:** 2655

**Term:** 2014FA

**Faculty:** Geistfeld, Mark

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC3016

**Course Description:**

The long-running and wide-ranging debate about the extent to which the law is and ought to be shaped by efficiency and fairness norms continues to be highly salient within tort law. This reading group will examine both rationales for tort liability. Our objectives will be to (1) identify their substantive grounds of disagreement; (2) determine the extent to which different conceptions of efficiency and fairness can create an overlapping consensus; and (3) evaluate the strengths and weaknesses of competing interpretations.

Readings will consist primarily of articles and book excerpts that provide economic and philosophical analyses of tort law and legal interpretation.

Prerequisite: Torts or permission of the instructor to waive the prerequisite.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Empirical Law and Economics

**Course #:** 2657      **Term:** 2014FA      **Faculty:** Ferrell, Allen; Cohen, Alma      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC3016

**Course Description:** This course will consider a range of issues in empirical law and economics. Empirical methods are increasingly used in legal practice and policy. The aim of this course will be to give students a sense of the empirical methods that have been applied to the study of legal issues, the key issues to which such methods have been applied, and how to evaluate and criticize such empirical studies. Among the subjects we may cover are empirical work on how criminal activity is influenced by capital punishment, use of guns, imprisonment, and police activity; the presence of discrimination and the effects of anti-discrimination laws; the effects of rules (e.g, drinking restrictions, mandatory seat belt use, etc.) on traffic fatalities; the effects of divorcee rules; the effects of governance provisions on firm value and behavior; and the estimation of damages in securities litigation. Special attention will be given to efforts to identify causality. Some session will feature speakers who do current empirical research. Readings will be mainly from articles in law reviews and economics or finance journals.

Some prior exposure to, or familiarity with, empirical methods (for example, from an undergraduate course on empirical methods) will be helpful. There will be no examination. Instead, students will be asked to submit, before sessions, a brief memo on the assigned readings as well as to make some presentations in class. Grades will be based on these memos and presentations as well as on class discussion. Open to students who have had some basic exposure to empirical methods and to other students with the permission of the instructors. Enrollment limited to 32.

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## Empirical Methods

**Course #:** 2708      **Term:** 2014FA      **Faculty:** Cohen, Alma      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Course

**Days and Times:**

Thu 9:50 AM - 11:50 AM

**Location**

PND100

**Course Description:** Empirical methods and empirical findings are increasingly used in litigation, regulation, and legal policymaking and research. This course aims at introducing students to the basic methods and tools used in law-related empirical analysis. No prior work in empirical methods or statistics will be required or assumed. Concepts and topics that will be covered include descriptive statistics and graphs, probability, measures of dispersion, statistical inferences and hypothesis testing, correlation, analysis of variance, regression analysis (simple regression and multiple regression, dummy variables, functional forms, omitted variables, multicollinearity and correlation vs. causation). Legal examples will be used throughout to illustrate the concepts and methods taught, and students will be introduced to the standard Stata software. There will be (ungraded) problem sets and a final exam.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Employment Discrimination

**Course #:** 2068      **Term:** 2014FA      **Faculty:** Emens, Elizabeth      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Constitutional Law & Civil Rights; Employment & Labor Law; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 2:30 PM

Tue 1:00 PM - 2:30 PM

### Location

WCC1010

WCC1010

**Course Description:** This course examines the law governing employment discrimination. The focus will be on Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act. Legal readings will be supplemented with material from psychology, philosophy, economics, and literature. Topics include the following: the nature and diverse meanings of discrimination; the relationship between accommodation and antidiscrimination; why people discriminate and whether employment discrimination law should focus on animus, stereotypes, subordination, or something else; the proper remedial approaches to employment discrimination; similarities and differences among the classes that seek and warrant protection under law, and whether the law should protect more or fewer classes, and on what basis; and the role of extra-legal knowledge in the legal project of antidiscrimination.

Grades will be based on class participation, response papers, and performance on a final one-day take-home exam.

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## Employment Law

**Course #:** 2069      **Term:** 2015SP      **Faculty:** Sachs, Benjamin      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Employment & Labor Law

**Delivery Mode:** Course

### Days and Times:

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

### Location

**Course Description:** In this 4-credit course, we will examine the laws that govern and structure the employment relationship in nonunion workplaces. As such, the course will provide students an understanding of the law of work for the vast majority of U.S. firms. We will discuss the doctrine of employment at will, along with exceptions to that rule. We will cover the basic principles of employment discrimination law; the constitutional rights (including the free speech rights) of public employees; mandatory arbitration of workplace disputes and employment rights; post-employment issues including covenants not to compete; workplace safety and health; and the laws governing wages and hours.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Employment Law Clinic

**Course #:** 8012      **Term:** 2014FA      **Faculty:** Churchill, Steve      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Constitutional Law & Civil Rights; Employment & Labor Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Employment Law Workshop: Advocacy Skills (2 fall credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Various externship placements.  
The Employment Law Clinic focuses on rights in the workplace, with a particular emphasis on state and federal laws that prohibit discrimination, harassment, and retaliation based on race, sex, disability, and other protected characteristics. Work may also address issues such as unemployment benefits, wage and hour claims, severance negotiations, union issues, workplace safety, and more. Students in this clinic will have placements at externships, either with non-profit/advocacy groups (such as the Lawyers Committee for Civil Rights Under Law; Gay & Lesbian Advocates & Defenders; Greater Boston Legal Services; or SEIU) or government agencies (such as the Massachusetts Commission Against Discrimination; the Massachusetts Attorney Generals Office; or the U.S. Equal Employment Opportunity Commission).  
For students who register for the winter-spring clinic option, clinical placements may include out-of-state organization, which in past years have included the national office of the Lawyers' Committee for Civil Rights (Washington D.C.), South Brooklyn Legal Services (Brooklyn, NY), the Legal Aid Society - Employment Law Center (San Francisco, CA), the NAACP Legal Defense Fund (New York, NY), and others.  
Placements are coordinated by the Office of Clinical and Pro Bono Programs.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Employment Law Clinic

**Course #:** 8012      **Term:** 2015SP      **Faculty:** Churchill, Steve      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Constitutional Law & Civil Rights; Employment & Labor Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Employment Law Workshop: Strategies for Social Change (2 spring credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Various externship placements.  
The Employment Law Clinic focuses on rights in the workplace, with a particular emphasis on state and federal laws that prohibit discrimination, harassment, and retaliation based on race, sex, disability, and other protected characteristics. Work may also address issues such as unemployment benefits, wage and hour claims, severance negotiations, union issues, workplace safety, and more. Students in this clinic will have placements at externships, either with non-profit/advocacy groups (such as the Lawyers Committee for Civil Rights Under Law; Gay & Lesbian Advocates & Defenders; Greater Boston Legal Services; or SEIU) or government agencies (such as the Massachusetts Commission Against Discrimination; the Massachusetts Attorney Generals Office; or the U.S. Equal Employment Opportunity Commission).  
For students who register for the winter-spring clinic option, clinical placements may include out-of-state organization, which in past years have included the national office of the Lawyers' Committee for Civil Rights (Washington D.C.), South Brooklyn Legal Services (Brooklyn, NY), the Legal Aid Society - Employment Law Center (San Francisco, CA), the NAACP Legal Defense Fund (New York, NY), and others.  
Placements are coordinated by the Office of Clinical and Pro Bono Programs.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Employment Law Clinic

**Course #:** 8012      **Term:** 2015WS      **Faculty:** Churchill, Steve      **Credits:** 6.00

**Type:** HLS Clinic      **Subject Areas:** Constitutional Law & Civil Rights; Employment & Labor Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Employment Law Workshop: Strategies for Social Change (2 spring credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 5, 2014.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Multi-Semester: This is a winter-spring clinic (2 winter credits + 2-4 spring credits).  
Placement Site: Various externship placements.  
The Employment Law Clinic focuses on rights in the workplace, with a particular emphasis on state and federal laws that prohibit discrimination, harassment, and retaliation based on race, sex, disability, and other protected characteristics. Work may also address issues such as unemployment benefits, wage and hour claims, severance negotiations, union issues, workplace safety, and more. Students in this clinic will have placements at externships, either with non-profit/advocacy groups (such as the Lawyers Committee for Civil Rights Under Law; Gay & Lesbian Advocates & Defenders; Greater Boston Legal Services; or SEIU) or government agencies (such as the Massachusetts Commission Against Discrimination; the Massachusetts Attorney Generals Office; or the U.S. Equal Employment Opportunity Commission).  
For students who register for the winter-spring clinic option, clinical placements may include out-of-state organization, which in past years have included the national office of the Lawyers' Committee for Civil Rights (Washington D.C.), South Brooklyn Legal Services (Brooklyn, NY), the Legal Aid Society - Employment Law Center (San Francisco, CA), the NAACP Legal Defense Fund (New York, NY), and others.  
Placements are coordinated by the Office of Clinical and Pro Bono Programs.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Employment Law Workshop: Advocacy Skills

**Course #:** 2070      **Term:** 2014FA      **Faculty:** Churchill, Steve      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Employment & Labor Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

Tue 7:00 PM - 9:00 PM

**Location**

WCC5044

**Course Description:**

Required Clinic Component: Employment Law Clinic (2-4 fall credits). This clinic and course are bundled - enrollment in the clinic will automatically enroll you in this course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: September 3, 2014.

LLM Students: LLM students may apply to the clinic by submitting an application.

This course will develop lawyering skills in the context of employment law. After a brief overview of relevant doctrine and procedure, the course will address - through readings, lectures, and exercises - skills related to legal writing, oral advocacy, discovery, depositions, negotiations, counseling, and ethics. The course will follow the progress of a typical civil rights lawsuit involving a terminated employee. For example, one class session will require students to engage in a mock deposition of an opposing witness in a hypothetical sex discrimination case, and the next class will require students to engage in a negotiation in the same case.

A more general goal of the course is to develop the ability (1) to identify what skills make a lawyer effective, and (2) to implement strategies for independently identifying and improving those critical skills. Because this goal is advanced by exposure to actual lawyering, all students will have a clinical placement with the Employment Law Clinic. The workshop will require completion of an individual or group project that will connect clinical placements with course topics.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Employment Law Workshop: Strategies for Social Change

**Course #:** 2071      **Term:** 2015SP      **Faculty:** Churchill, Steve      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Employment & Labor Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 7:00 PM - 9:00 PM

**Course Description:** Required Clinic Component: Employment Law Clinic, either during winter-spring (2 winter credits + 2-4 spring credits) or spring (2-4 spring credits). Students who enroll in either of these two clinic offerings (winter-spring or spring) will be enrolled in this required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 5, 2014 for winter-spring clinical students. January 16, 2015 for spring clinical students.  
LLM Students: LLM students may apply to either clinic option by submitting an application.  
This course will examine how lawyers can use different strategies to effect social change, with a special emphasis on advancing the right to be free from workplace discrimination based on protected characteristics such as race and sex. After surveying the relevant law and reviewing empirical information about the nature of civil rights violations, we will evaluate possible strategies for social change, including government action, individual and class action litigation, self regulation, alternative dispute resolution, organizing, and social entrepreneuring. All students will have a clinical placement through the Employment Law Clinic. All clinical placements will include exposure to some aspect of employment rights and will play an important role in bringing diverse perspectives to the workshop. The workshop will require completion of an individual or group project. Projects may include some combination of empirical research, legal analysis, program evaluation, or other approaches to examining and improving the effectiveness of existing workplace protections.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Energy and Climate Law and Policy

**Course #:** 2025      **Term:** 2015SP      **Faculty:** Freeman, Jody      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Environmental Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** This seminar integrates traditional U.S. energy law with U.S. climate law. Topics covered include: federal and state laws governing electricity regulation and transmission; coal, natural gas, nuclear and renewable power; energy efficiency; federal climate policy under the Clean Air Act; oil and alternatives to oil for the transportation sector; state clean energy programs; and energy security. The materials will raise interesting questions about the federalism, regulatory design, economic, and technological challenges in this space, and will push students to confront the obstacles to aligning the (sometimes) conflicting goals of energy and environmental policy. The animating question for the course is: what legal infrastructure is necessary to facilitate a transition to cleaner energy, while controlling costs, ensuring system resilience, and protecting national security?

Readings will include traditional legal materials such as cases and statutes (we will use a casebook on energy law) but also a variety of supplementary policy documents drawn from government, nonprofit, academic and private sector sources.

Course evaluation will consist of substantive and rigorous weekly commentaries on the readings.

There are no prior course prerequisites, although the survey course in environmental law would be helpful.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Entertainment and Media Law

**Course #:** 2072      **Term:** 2015WI      **Faculty:** Brotman, Stuart; Basin, Kenneth      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

### Days and Times:

Mon 2:00 PM - 4:15 PM

Tue 2:00 PM - 4:15 PM

Wed 2:00 PM - 4:15 PM

Thu 2:00 PM - 4:15 PM

Fri 2:00 PM - 4:15 PM

### Location

### Course Description:

This course reflects an integrated approach to entertainment and media, particularly on legal doctrines and industry norms that are unique to this field. The course will focus on new challenges faced by the entertainment and media industries in response to the recent (and ongoing) paradigm shift to digital production and distribution, with an emphasis on the role of lawyers in shaping current and future practice and policy. We will cover deal making norms in the motion picture, television, music, and digital entertainment and media industries; the challenges of reconciling contemporary technologies and business practices with long-standing legal doctrine; and the role of Congress and various federal agencies and departments (such as the FCC, FTC and the US Department of Justice) in establishing and enforcing entertainment and media policies and regulations. Students will participate in three problem-solving exercises corresponding to litigation, transactional, and policy-oriented practices in entertainment and media law. Prior coursework in intellectual property is highly recommended.

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## Entrepreneurship and Company Creation

**Course #:** 2073      **Term:** 2015SP      **Faculty:** Hornik, David      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

### Days and Times:

Tue 5:00 PM - 7:00 PM

Wed 5:00 PM - 7:00 PM

Thu 5:00 PM - 7:00 PM

### Location

### Course Description:

This course focuses on the entrepreneurial process--from company creation and formation to business planning and finance. The course will cover a range of topics following the life-cycle of a company and will engage students in hands-on activities to reinforce key learnings about entrepreneurship, including executive summary writing and term sheet negotiation (there will be no written exam). Students will learn about the startup process from entrepreneurs and venture capitalists with decades of company building experience.

Note: Course to be taught over a two-week period during the spring term. Exact dates are TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Environmental Law

**Course #:** 2074      **Term:** 2014FA      **Faculty:** Freeman, Jody      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Environmental Law; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

### Location

AUS100

AUS100

### Course Description:

This introductory course will focus on the variety of legal mechanisms we use to address environmental harms such as air and water pollution, global climate change, and habitat destruction. We will focus on the key federal environmental statutes, including the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, and the Endangered Species Act, and the leading cases in which these statutes have been interpreted by courts. The statutes will be studied in some detail so that students emerge with a basic understanding of their major regulatory provisions. Thematically, the statutes serve as illustrations of different regulatory approaches to environmental problems, from command and control standards to market-based instruments. In addition, we will discuss important matters of policy, including the Obama administrations efforts to address climate change through the use of Executive Power. The course will also cover developments in Commerce Clause, Takings and Standing jurisprudence which significantly affect federal environmental law; the role of cost-benefit analysis in environmental regulation. Finally, we will discuss the political economy of environmental regulation, specifically the role played by interest groups (both industry and environmental organizations) in producing, implementing and enforcing environmental law.

Students need not be self-identified ""environmentalists"" to be interested in this course. Nearly every area of law is now affected by environmental regulation, including corporate law, real estate and bankruptcy. The legal issues presented by environmental problems offer ample opportunities for students to develop important and transferable legal skills, including statutory interpretation, constitutional analysis and application of administrative law doctrines.

There are no pre-requisites. Laptops will not be permitted in class. Regular attendance and participation in class discussion is expected. The exam will be a one-day take-home.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Environmental Law and Policy Clinic

**Course #:** 8008      **Term:** 2014FA      **Faculty:** Jacobs, Wendy      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: This clinic requires that students have taken or are currently taking at least one of the courses listed below. Failure to meet the pre-/co-requisite course requirement will result in the student being dropped from the clinic.  
Additional Co-/Pre-Requisites: The following courses do not have any seats reserved for clinical students: Environmental Law (fall 2014), Supreme Court and the Environment (fall 2014), International Environmental Law (winter 2015), Environmental Practice Skills, Methods, and Controversies: Siting and Permitting of a Wind Farm as a Case Study (spring 2015).  
The following courses are not offered for the 2014-2015 year, but qualify as pre-requisite courses: Advanced Environmental Law in Theory and Application, Environmental Advocacy: Administrative Hearings/Working with Scientists, Environmental Advocacy: Citizen Suits, Federal Public Land and Resources Law, International Environmental Law, Environmental Dispute Resolution, Human Rights and the Environment, Natural Resources Law, Climate Energy Law and Policy.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Most clinical placements are at HLS, while some are at various externship locations (government agencies and nonprofits).  
The Emmett Environmental Law and Policy Clinic (ELPC) offers students an opportunity to do hands-on, meaningful, real-life, and real-time environmental regulatory, policy and advocacy work. Clinic offerings include local, national, and international projects covering the spectrum of environmental issues, under the leadership of Director and Clinical Professor Wendy Jacobs. Clinic students work on policy projects and white papers, regulatory and statutory drafting and comments, manuals and guidance to help non-lawyers identify and protect their rights, litigation and advocacy work, including developing case strategies, research and drafting briefs (filed in state and federal courts, including the U.S. Supreme Court), preparing witnesses and their testimony, meeting with clients and attending and presenting at administrative and court hearings. Our clients include state and municipal governments, non-governmental organizations, advocacy and community groups, and research and policy institutions. The subject matter varies each semester, but is likely to include climate change mitigation and adaptation, offshore drilling and water protection, sustainable agriculture/aquaculture, ethics in the study of human exposure to environmental contaminants, and development of legal frameworks for emerging technologies such as carbon capture and sequestration, extraction of natural gas by hydraulic fracturing, and green infrastructure for management of stormwater.  
Please note: Some ELPC students work off-campus with government agencies and nonprofit organizations, while others work on campus at the Clinic on cutting-edge projects and case work. Students are carefully matched to their projects/placements by the Clinic Director.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Environmental Law and Policy Clinic

**Course #:** 8008      **Term:** 2015SP      **Faculty:** Jacobs, Wendy      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: This clinic requires that students have taken or are currently taking at least one of the courses listed below. Failure to meet the pre-/co-requisite course requirement will result in the student being dropped from the clinic.  
Additional Co-/Pre-Requisites: The following courses do not have any seats reserved for clinical students: Environmental Law (fall 2014), Supreme Court and the Environment (fall 2014), International Environmental Law (winter 2015), Environmental Practice Skills, Methods, and Controversies: Siting and Permitting of a Wind Farm as a Case Study (spring 2015).  
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By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Most clinical placements are at HLS, while some are at various externship locations (government agencies and nonprofits).  
The Emmett Environmental Law and Policy Clinic (ELPC) offers students an opportunity to do hands-on, meaningful, real-life, and real-time environmental regulatory, policy and advocacy work. Clinic offerings include local, national, and international projects covering the spectrum of environmental issues, under the leadership of Director and Clinical Professor Wendy Jacobs. Clinic students work on policy projects and white papers, regulatory and statutory drafting and comments, manuals and guidance to help non-lawyers identify and protect their rights, litigation and advocacy work, including developing case strategies, research and drafting briefs (filed in state and federal courts, including the U.S. Supreme Court), preparing witnesses and their testimony, meeting with clients and attending and presenting at administrative and court hearings. Our clients include state and municipal governments, non-governmental organizations, advocacy and community groups, and research and policy institutions. The subject matter varies each semester, but is likely to include climate change mitigation and adaptation, offshore drilling and water protection, sustainable agriculture/aquaculture, ethics in the study of human exposure to environmental contaminants, and development of legal frameworks for emerging technologies such as carbon capture and sequestration, extraction of natural gas by hydraulic fracturing, and green infrastructure for management of stormwater.  
Please note: Some ELPC students work off-campus with government agencies and nonprofit organizations, while others work on campus at the Clinic on cutting-edge projects and case work. Students are carefully matched to their projects/placements by the Clinic Director.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Environmental Law and Policy Clinic

**Course #:** 8008      **Term:** 2015WI      **Faculty:** Jacobs, Wendy      **Credits:** 2.00

**Type:** HLS Clinic      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: This clinic requires that students have taken or are currently taking at least one of the courses listed below. Failure to meet the pre-/co-requisite course requirement will result in the student being dropped from the clinic.  
Additional Co-/Pre-Requisites: The following courses do not have any seats reserved for clinical students: Environmental Law (fall 2014), Supreme Court and the Environment (fall 2014), International Environmental Law (winter 2015), Environmental Practice Skills, Methods, and Controversies: Siting and Permitting of a Wind Farm as a Case Study (spring 2015).  
The following courses are not offered for the 2014-2015 year, but qualify as pre-requisite courses: Advanced Environmental Law in Theory and Application, Environmental Advocacy: Administrative Hearings/Working with Scientists, Environmental Advocacy: Citizen Suits, Federal Public Land and Resources Law, International Environmental Law, Environmental Dispute Resolution, Human Rights and the Environment, Natural Resources Law, Climate Energy Law and Policy.  
By Permission: Yes. Applications are due by October 31, 2014.  
Add/Drop Deadline: December 5, 2014.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Most clinical placements are at HLS, while some are at various externship locations (government agencies and nonprofits).  
The Emmett Environmental Law and Policy Clinic (ELPC) offers students an opportunity to do hands-on, meaningful, real-life, and real-time environmental regulatory, policy and advocacy work. Clinic offerings include local, national, and international projects covering the spectrum of environmental issues, under the leadership of Director and Clinical Professor Wendy Jacobs. Clinic students work on policy projects and white papers, regulatory and statutory drafting and comments, manuals and guidance to help non-lawyers identify and protect their rights, litigation and advocacy work, including developing case strategies, research and drafting briefs (filed in state and federal courts, including the U.S. Supreme Court), preparing witnesses and their testimony, meeting with clients and attending and presenting at administrative and court hearings. Our clients include state and municipal governments, non-governmental organizations, advocacy and community groups, and research and policy institutions. The subject matter varies each semester, but is likely to include climate change mitigation and adaptation, offshore drilling and water protection, sustainable agriculture/aquaculture, ethics in the study of human exposure to environmental contaminants, and development of legal frameworks for emerging technologies such as carbon capture and sequestration, extraction of natural gas by hydraulic fracturing, and green infrastructure for management of stormwater.  
Please note: Some ELPC students work off-campus with government agencies and nonprofit organizations, while others work on campus at the Clinic on cutting-edge projects and case work. Students are carefully matched to their projects/placements by the Clinic Director.  
Applications should include a resume, transcript, and one-page statement of interest.  
Applications should be sent directly to Jacqueline Calahong (jcalahong@law.harvard.edu) by October 31, 2014.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

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## Environmental Practice Skills, Methods, and Controversies: Siting and Permitting of a Wind Farm as an Example

**Course #:** 2512      **Term:** 2015SP      **Faculty:** Jacobs, Wendy      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 4:30 PM - 7:30 PM

**Course Description:** This course teaches the actual practice of environmental law, including mechanisms for raising and resolving controversies. We will examine -- and work through -- a wind farm project from a variety of perspectives and meet with people who represent some of these interests: regulatory, community, NGO and private sector. The emphasis will not be on mastering the substance of the various environmental laws that are triggered (although some of that will be necessary), but instead on the practical skills and knowledge necessary to: identify the environmental impacts of a project; parse and apply relevant statutes and regulations; analyze mechanisms for mitigating project impacts and managing controversies; identify the permits and approvals needed for a project; select and hire environmental scientists and experts to support or oppose a project; and, defend (or challenge) a project in administrative and judicial proceedings. Students in this class will learn how projects proceed through environmental review, challenges, and permitting. Depending on the time available and level of class interest, we will also look at some of the project financing issues.

This course is practical, hands-on and participatory. Students will develop and apply the skills and methods needed to site a wind farm through class discussions, problem solving, and role-playing exercises. The wind farm is a proxy for any project that has both positive and adverse environmental impacts and that must work its way through multiple types of administrative and judicial proceedings and negotiation. There is no final exam. There will be short written and oral exercises through the semester and, at the end of the semester, a short final paper that focuses on ethical issues raised by the practice of environmental law. Grading will be based on the quality of class participation as well as of the exercises and final paper.

Students in the course are encouraged (but not required) to enroll in the Environmental Law & Policy Clinic, which will provide students with the opportunity to put the skills they learn into practice.

Enrollment for 1Ls and LLM students is by permission of Professor Jacobs.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Estate Planning

**Course #:** 2592      **Term:** 2015SP      **Faculty:** Bloostein, Marc      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice; Taxation

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** This course will examine basic and sophisticated estate planning techniques. It will take a practical perspective, studying how the estate planner navigates the federal transfer tax and property law rules with sensitivity to a clients personal circumstances and concerns in order to achieve the clients objectives. Grading will be based upon practice exercises and class participation.

Prerequisite: Trusts and Estates, which may be taken concurrently with this course as well.

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## Ethics, Economics and the Law

**Course #:** 2076      **Term:** 2014FA      **Faculty:** Sandel, Michael      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

HAU105

**Course Description:** Explores controversies about the use of markets and market reasoning in areas such as organ sales, procreation, environmental regulation, immigration policy, military service, voting, health care, education, and criminal justice. The seminar will examine arguments for and against cost-benefit analysis, the monetary valuation of life and the risk of death, and the use of economic reasoning in public policy and law. Background in political theory or philosophy recommended.

Note: This course is jointly-listed with GSAS.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## European Legal History

**Course #:** 2700      **Term:** 2014FA      **Faculty:** Herzog, Tamar      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal History

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 11:00 AM - 12:00 PM

Wed 11:00 AM - 12:00 PM

**Course Description:** Note: This course will have an additional one-hour weekly section meeting. Hours to be arranged.  
This is a survey course of the history of European law from the fall of the Roman Empire (5th century) to the establishment of the European Community (20th century). Organized chronologically, it engages with the sources and nature of Law, the organization of legal systems and the relationship between law and society, law and law-maker, law and the legal professions Continental and Common Law, as well as Colonial law would be covered.

Note: This course is jointly-offered with FAS as History 1526 and will meet on the FAS campus.

## European Union Law

**Course #:** 2078      **Term:** 2014FA      **Faculty:** Caruso, Daniela      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 1:00 PM - 3:00 PM

PND102

**Course Description:** The course begins with an introduction to the economic foundations and political history of European legal integration. An analysis of the current institutional structure of the European Union follows. Then classes focus on trade within Europe. This part of the course includes a unit on Competition Law. The course emphasizes the impact of trade and legal harmonization upon culture, human rights and social policies. A study of the external relations of the European Union concludes the course, with particular attention to US-EU relations. Final examination: in-class, open-book, essay format.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Evidence

**Course #:** 2079      **Term:** 2014FA      **Faculty:** Whiting, Alex      **Credits:** 3.00

**Type:** Multi-section Course      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

### Location

LAN225

LAN225

**Course Description:** This course will examine the rules of evidence, focusing on the Federal Rules of Evidence but also select state counterparts. We will cover relevance, hearsay and exceptions, exclusion, confrontation, direct and cross examination, character evidence, competence, impeachment, rehabilitation, opinion evidence, scientific proof, privileges, authentication, presumptions, demonstrative evidence and judicial notice. We will consider the rules, how they function in practice, their rationales, and their wisdom.

Evidence is a recommended prerequisite for the Trial Advocacy Workshop and can be the basis for certification to practice in conjunction with some of the Law Schools clinical offerings.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

## Evidence

**Course #:** 2079      **Term:** 2014FA      **Faculty:** Schulman, Emily      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

### Location

WCC2012

WCC2012

**Course Description:** This course will examine the rules of evidence, focusing primarily on the Federal Rules of Evidence, with additional consideration given to select state rules and cases. Topics covered will include: relevance, hearsay and exceptions, exclusion, confrontation, direct and cross examination, character evidence, impeachment, rehabilitation, lay opinion, expert evidence, privileges and more. We will consider how the rules function in practice, the rationales underlying them, and how they might be improved.

Evidence is a recommended prerequisite for the Trial Advocacy Workshop and can be the basis for certification to practice in conjunction with some of the Law Schools clinical offerings.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Evidence

**Course #:** 2079      **Term:** 2014FA      **Faculty:** Murray, Peter      **Credits:** 2.00

**Type:** Multi-section  
Course      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**  
Wed 1:00 PM - 3:00 PM      AUS100

**Course Description:** The law of evidence regulates the presentation of factual information in the Anglo-American jury trial process and legitimates the outcomes of that process. In a wider sense, the concept of evidence embraces the process of proof of facts in any legal proceeding.

In this intensive course, evidence law is presented and studied in the context of American trial advocacy with some comparative perspectives on fact-finding in various legal systems. The course is structured around the Federal Rules of Evidence but also includes evidence issues from other sources. The basic topics of relevance, hearsay, form of direct and cross examination, rules of exclusion, illustrative aids, impeachment, authenticity, expert testimony, best evidence, privilege, and unfair prejudice will be covered through study and discussion of trial problems as well as of rules and cases. The course also includes computer-aided video exercises in simulated trial settings.

Evidence is a recommended prerequisite for the Trial Advocacy Workshop and can support certification for student practice in some of the Law Schools clinical offerings.

**Text:** The course text, lecture notes, assignments, and additional materials will be available on the course website. Most of the materials are available in Green, Nesson and Murray, Problems, Cases and Materials on Evidence (Aspen 2000). A more or less current paperback copy of the restyled Federal Rules of Evidence will be a convenience.

**Note:** For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Evidence

**Course #:** 2079      **Term:** 2014FA      **Faculty:** Feinberg, Kenneth      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Wed 5:00 PM - 7:00 PM  
Thu 9:50 AM - 11:50 AM

### Location

LAN225  
LAN225

**Course Description:** This four credit course will focus on the rules of evidence designed to assure accurate courtroom recreation of external events. The course will place special emphasis on the current federal rules of evidence e.g. relevance, character and credibility, hearsay, expert testimony and related rules governing admissibility of evidence. The course will use specific problems/fact patterns to highlight evidentiary alternatives and how courts and lawyers make strategic use of rules of evidence.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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## Evidence

**Course #:** 2079      **Term:** 2015SP      **Faculty:** Rubin, Peter      **Credits:** 2.00

**Type:** Multi-section Course      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Wed 5:00 PM - 7:00 PM

### Location

**Course Description:** In this course we will study the basic rules and principles of American evidence law, focusing primarily on federal law (the Federal Rules of Evidence and cases interpreting them). Topics covered will include: relevance, the hearsay rule and its exceptions, character and propensity evidence, examination and impeachment of witnesses, authentication and best evidence rules, privilege, unfair prejudice, and some of the constitutional questions that arise in connection with evidence.

Evidence is a recommended prerequisite for the Trial Advocacy Workshop and can be the basis for certification to practice in conjunction with some of the Law Schools clinical offerings.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Evolution of Gender Crimes

**Course #:** 2080      **Term:** 2014FA      **Faculty:** MacKinnon, Catharine      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Criminal Law & Procedure; Family, Gender & Children's Law; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

### Days and Times:

Mon 7:00 PM - 9:00 PM

Wed 7:00 PM - 9:00 PM

### Location

WCC4059

WCC4059

**Course Description:** This seminar in international law traces the development of what are now called "gender crimes," meaning sexual or gender-based crimes of violence including rape, sexual slavery, and akin atrocities.

Materials explore conceptual origins in civil and human rights law, factual roots in international humanitarian law and criminal law, de facto recognition in regional human rights systems and international ad hoc tribunals (ICTY, ICTR, SCSL), and their apex form to date in the Rome Statute (2000) of the International Criminal Court (ICC), where they are entrenched as war crimes, crimes against humanity, and genocide.

The first half of the seminar investigates theory and historical settings, including the Nuremberg and Tokyo Trials of post-World War II. The second half focuses on issues and breaking developments in contemporary cases.

Special attention will be paid to the evolution of the concept of gender in this body of law: how it is obscured or mainstreamed or exposed, what difference it makes to include it within rubrics such as torture or slavery versus separately, and how confronting gendered realities in law affects and is affected by various technical areas such as charging and witness preparation.

This seminar is taught by Professor Catharine A. MacKinnon (first Special Gender Advisor to the Prosecutor of the International Criminal Court, 2008-2012).

Note: This seminar meets on the following dates: September 8, 10, 15, 17, 22, 24, 29, October 1, 6, 8, 20, and 22.

Catharine Mackinnon will not be teaching at HLS in Fall 2015.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Family Law

**Course #:** 2084      **Term:** 2015SP      **Faculty:** Ben-Asher, Noa      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Regulatory Law  
**Delivery Mode:** Course

**Days and Times:**      **Location**  
Mon 1:30 PM - 3:00 PM  
Tue 1:30 PM - 3:00 PM

**Course Description:** This course will focus on the legal regulation of marriage, parenthood, and other intimate relationships. Topics will include the regulation of families through various legal domains such as criminal law, tax law, and zoning laws; the meaning of marriage and marriage regulation (including the movement toward recognition of same-sex marriage); the national and international regulation of reproductive technologies such as surrogacy and sperm and egg donations; divorce grounds; child visitation, support and custody; economic aspects of marriage dissolution; the establishment and termination of non-marital relationships; modes of establishing parenthood; and adoption.

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## Federal Budget Policy

**Course #:** 2566      **Term:** 2015SP      **Faculty:** Jackson, Howell      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Government Structure & Function  
**Delivery Mode:** Course

**Days and Times:**      **Location**  
Thu 10:00 AM - 11:30 AM  
Fri 10:00 AM - 11:30 AM

**Course Description:** The goal of this course is to introduce students to the law and practice of budgeting in the United States. At the beginning of the semester, students will be introduced to the basic structure of the federal budget process, including the President's Budget, which is typically released in February, and congressional budgeting procedures that ordinarily follow. We will explore the roles of all three branches of federal government in setting budget policy in the United States. We will then examine selected topics in state budgeting practices as well as federal-state relations in budget policy.

Towards the end of the semester, students will prepare and present papers on various aspects of budget policy, focusing on issues of current interest, including proposals for reforming budget policy. Examples of student papers from past years are available at <http://www.law.harvard.edu/faculty/hjackson/budget.php>. Students interested in writing more extensive papers on related topics for additional credit are welcome to do so.

Readings will be from *Fiscal Challenges: An Interdisciplinary Approach to Budget Policy* (2007) (Howell Jackson, et al., eds.) and additional distributed materials.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Federal Courts and the Federal System

**Course #:** 2086      **Term:** 2014FA      **Faculty:** Fallon, Richard      **Credits:** 5.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 12:00 PM

Tue 10:20 AM - 12:00 PM

Wed 10:20 AM - 12:00 PM

### Location

LAN272

LAN272

LAN272

### Course Description:

This course is a study of the federal courts in the operation of the federal system. It is an advanced course in public law, judicial administration, and constitutional and civil rights litigation and will assume a knowledge of substantive constitutional law. Topics include the case or controversy requirement; the power of Congress to regulate the jurisdiction of the Supreme Court and the lower federal courts; federal question jurisdiction; doctrines of sovereign and official immunity; federal common law; Supreme Court review of state court judgments; abstention; and federal habeas corpus.

The casebook is Richard H. Fallon, Jr., John Manning, Daniel J. Meltzer, & David L. Shapiro, *Hart & Wechslers, The Federal Courts and the Federal System* (6th ed. 2009), along with its 2014 Supplement.

Pre-requisite: Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment; students who have not completed that pre-requisite may enroll only with the permission of the instructor.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Federal Courts and the Federal System

**Course #:** 2086      **Term:** 2015SP      **Faculty:** Manning, John      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

### Days and Times:

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

### Location

**Course Description:** This course studies the role of the federal courts in the federal system. The course will cover the following topics: the case or controversy requirement and justiciability, congressional authority to regulate the jurisdiction of the federal courts, federal habeas corpus, federal common law, and sovereign immunity.

Prerequisite: Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment; students who have not completed that pre-requisite may enroll only with the permission of the instructor.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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## Federal Litigation: Civil

**Course #:** 2089      **Term:** 2015SP      **Faculty:** Rosenberg, David      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

### Location

**Course Description:** Students will work on pretrial stages of a hypothetical case in a federal district court. Included will be interviewing, pleading, discovery, negotiations, class action certification, and preliminary relief. The work will include the drafting of pleadings, briefs, and opinions as well as oral arguments and judging of various motions.  
This course is available to all interested students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Feminist Legal Theory

**Course #:** 2301      **Term:** 2015SP      **Faculty:** Halley, Janet      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This course will survey the most important sources of feminist thinking in and around law and law reform, with attention to the ways in which differing feminist ideas have and have not become operationalized as law that actually governs. We will pay attention to the rise and fall of feminist ideas; to competitor theoretical frames and ongoing contests among different feminist worldviews for influence on law; to nonwestern sources of feminist legal thought; and to modes of transmitting feminist ideas from one national, regional, and/or international system to another. A constant theme will be the collaborations among and conflicts between feminist social movements and social movements for emancipation of groups other than women: racial minorities, sexual minorities, immigrants, the poor. No prior knowledge of feminism will be presupposed. LLMs are welcomed to enroll. Examination is by last-day take-home exam; there will also be a paper option.

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## Financial and Legal Needs of Low and Moderate Income Households

**Course #:** 2176      **Term:** 2015SP      **Faculty:** Charn, Jeanne      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** The seminar will examine the opportunities and perils in consumer financial services available to low and moderate income households. We will begin with a survey of (i) sources of unsecured credit (e.g. credit cards, pay-day lenders, check-cashing services); (ii) homeownership as an asset building strategy; (iii) saving rates and policies that encourage saving. With a basic understanding of the financial services landscape, we will explore strategies for providing legal advice and assistance that may enable people to effectively access credit and to build and protect assets. We will focus on assistance for households in crises (such as foreclosure) but we will also consider transactional and preventive services to help people avoid crises. We will explore the role of the solo and small firm bar that serves people of moderate means and on market innovations designed to expand access -- for example, pre-paid and legal insurance programs, unbundled legal services, and self-help. We will pay particular attention to technology driven modes of service delivery. We will also look at legal aid in the UK, Europe and Canada where the needs of moderate income people are a main focus of legal aid policy. In consultation with the course instructor, students will develop a research project that explores in greater depth any topic covered in class meetings. Students may work in pairs or groups and the course research project may satisfy all or part of the J.D. writing requirement. Students are welcome to contact the course instructor via e-mail ([charn@law.harvard.edu](mailto:charn@law.harvard.edu)) with questions about the course.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 1A

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Wansley, Matthew      **Credits:** 2.00

**Type:** 1L Required Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 3:15 PM - 5:15 PM

**Location**

AUS101

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 1A

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Wansley, Matthew      **Credits:** 2.00

**Type:** 1L Required Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 1B

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Deacon, Daniel      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Thu 3:15 PM - 5:15 PM      **Location:** AUS100

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 1B

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Deacon, Daniel      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Tue 5:00 PM - 7:00 PM      **Location:**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 2A

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Fishman, Joseph      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 3:15 PM - 5:15 PM

**Location**

WCC1010

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 2A

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Fishman, Joseph      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 2B

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Litman, Leah      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Thu 3:15 PM - 5:15 PM      **Location**  
WCC1015

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 2B

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Litman, Leah      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Mon 5:00 PM - 7:00 PM      **Location**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 3A

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Farbman, Daniel      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 3:15 PM - 5:15 PM

**Location**

WCC1019

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 3A

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Farbman, Daniel      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 3B

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Goldberg, Erica      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 3:15 PM - 5:15 PM

**Location**

WCC1023

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 3B

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Goldberg, Erica      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 4A

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Levin, Benjamin      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Thu 3:15 PM - 5:15 PM      **Location**  
WCC2004

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 4A

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Levin, Benjamin      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Mon 5:00 PM - 7:00 PM      **Location**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 4B

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Epps, Daniel      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 3:15 PM - 5:15 PM

**Location**

WCC2009

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 4B

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Epps, Daniel      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 5A

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Richardson, Brian      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 3:15 PM - 5:15 PM

**Location**

WCC2012

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 5A

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Richardson, Brian      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 5B

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Gardner, Maggie      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 3:15 PM - 5:15 PM

**Location**

WCCB010

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 5B

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Gardner, Maggie      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 6A

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Bell, Monica      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Thu 3:15 PM - 5:15 PM      **Location**  
GRS110

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 6A

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Bell, Monica      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Tue 5:00 PM - 7:00 PM      **Location**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 6B

**Course #:** 1006      **Term:** 2014FA      **Faculty:** McKinley, Maggie Lee      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Thu 3:15 PM - 5:15 PM      **Location:** PND100

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 6B

**Course #:** 1006      **Term:** 2015SP      **Faculty:** McKinley, Maggie Lee      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Tue 5:00 PM - 7:00 PM      **Location:**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 7A

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Tobin, Susannah      **Credits:** 2.00

**Type:** 1L Required Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Thu 3:15 PM - 5:15 PM      **Location:** LAN272

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 7A

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Tobin, Susannah      **Credits:** 2.00

**Type:** 1L Required Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Tue 5:00 PM - 7:00 PM      **Location:**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## First Year Legal Research and Writing 7B

**Course #:** 1006      **Term:** 2014FA      **Faculty:** Ortman, William      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Thu 3:15 PM - 5:15 PM      **Location**  
PND102

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 7B

**Course #:** 1006      **Term:** 2015SP      **Faculty:** Ortman, William      **Credits:** 2.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:** Tue 5:00 PM - 7:00 PM      **Location**

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Food and Drug Law

**Course #:** 2091      **Term:** 2015WI      **Faculty:** Hutt, Peter Barton      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Health Law; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

### Course Description:

This course explores the full range of federal regulation of products subject to the jurisdiction of the Food and Drug Administration (FDA). These products include food, human prescription and nonprescription drugs, animal feed and drugs, biologics and blood products, medical devices, and cosmetics, which together comprise approximately 25% of the gross national product. The course examines the public policy choices underlying the substantive law, FDA enforcement power, and agency practice and procedure. The course covers such contemporary issues as protecting against unsafe or mislabeled food, controlling carcinogens, expediting approval of AIDS and cancer drugs, assuring the safety of prescription drugs before and after marketing, importing drugs from abroad, switching drugs from prescription to nonprescription status, balancing the benefits and risks of breast implants, the compassionate use of experimental products, regulating complex new medical device technology, control of such biotechnology techniques as gene therapy, requiring adequate consumer and professional labeling for FDA-regulated products, and the relationship among international, federal, and state regulatory requirements. A prior course in Administrative Law is desirable but not a prerequisite.

Enrollment in this course is limited to fifty-two students. The required course paper may be combined with the Option 1 Written Work Requirement. This applies to students who take the course as a 2L or a 3L. Students who know that they wish to choose this option should e-mail the instructor at [phutt@cov.com](mailto:phutt@cov.com).

Text: Hutt, Merrill, and Grossman, Food and Drug Law (3d ed. 2007) and Statutory Supplement (2013).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Food Law

**Course #:** 2544

**Term:** 2015SP

**Faculty:** Gersen, Jacob

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Health Law; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:**

This seminar will explore the legal regulation of food. We will study the state, local, federal, and common law regulation of food, with an emphasis on both the historical evolution of legal regimes that govern production, labeling, and sale; and frontier policy issues like banned foods, obesity, dietary supplements, organics, bioterrorism, and genetic modification. Although our focus will be mainly domestic law, we will occasionally consider trade and international regulation as well. Students may write either a series of short papers or one long paper on a topic of their choosing. This course will not satisfy the prerequisite for enrollment in the Food Law and Policy Clinic.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Food Law and Policy

**Course #:** 2359      **Term:** 2014FA      **Faculty:** Broad Leib, Emily; Greenwald, Robert      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC3012

**Course Description:** This seminar will present an overview of topics in food policy and will examine how law and policy shape our food system and what we eat. In recent years, increasing attention has been focused on agricultural policy, the safety of the food chain, and the dual burdens of hunger and obesity.

We will examine food policy from various viewpoints, including a historical perspective, past and current economic attitudes, and the varying lenses of farmers, consumers, and food corporations. We will concentrate on food law in the United States, but will also discuss the global food system, and will include comparative international perspectives in areas such as food aid programs, farming support, and increasing healthy food access.

This seminar will begin with the big picture, looking at the broader ways in which domestic and international law have interacted to lead to malnutrition and obesity both in the United States and abroad. Following this overview, we will analyze federal agricultural policy and farm subsidies and take a look at the environmental, health, and safety implications of farming in our current food system. We will also discuss genetically modified crops, and the meaning of "organic," "sustainable," and "fair trade," as well as ongoing debates about these labels. We will then take a series of weeks to look at the role the government plays in what foods are eaten in the United States, through its food assistance programs, food purchasing programs, and nutrition guidelines. Finally, we will spend the last few weeks of the semester evaluating potential solutions, including interventions aimed at improving education about healthy foods, changing food advertising and marketing practices, and increasing access to healthy foods.

The reading materials for the seminar will be provided in a course reader, and will include various book chapters, cases, regulations, news reports, and scholarly articles that present diverse viewpoints on the topics presented. The seminar is intended to spark debate between different sides of these often controversial issues. In addition to discussion of the reading for each class theme, students will also be assigned to participate in role plays and debates.

The seminar is open to any student interested in food and agricultural policy and its implications on health and the environment, and no background or prerequisites are required. Rather than an examination, students will be required to submit reading responses, via the online course blog; prepare for and participate in in-class role play debates; and submit one short policy brief. The policy brief will be geared to the appropriate government level and agency (state or federal government, depending on who controls the issue) and will explain a food-related problem and recommend a policy change or set of changes intended to improve the health, nutrition, or environmental outcomes. Grades will be determined on the basis of these written submissions, in-class role plays, and class participation.

Enrollment in the seminar is limited to 20 students, and is open to LLM students by permission.

Some seats are reserved for students enrolled in both the fall and winter terms of the Food Law and Policy Clinic. A student's enrollment in a reserved clinical seat is dependent on the student's enrollment in the Food Law and Policy Clinic. Once a student enrolls in the clinic, the Office of Clinical and Pro Bono Programs will enroll them in the seminar. If a student chooses to drop from the clinic, they will also be dropped from the seminar. Please see the clinic's description for more

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

**2014-2015 Academic Year**

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Food Law and Policy

**Course #:** 2359      **Term:** 2015SP      **Faculty:** Broad Leib, Emily; Greenwald, Robert      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** This seminar will present an overview of topics in food policy and will examine how law and policy shape our food system and what we eat. In recent years, increasing attention has been focused on agricultural policy, the safety of the food chain, and the dual burdens of hunger and obesity.

We will examine food policy from various viewpoints, including a historical perspective, past and current economic attitudes, and the varying lenses of farmers, consumers, and food corporations. We will concentrate on food law in the United States, but will also discuss the global food system, and will include comparative international perspectives in areas such as food aid programs, farming support, and increasing healthy food access.

This seminar will begin with the big picture, looking at the broader ways in which domestic and international law have interacted to lead to malnutrition and obesity both in the United States and abroad. Following this overview, we will analyze federal agricultural policy and farm subsidies and take a look at the environmental, health, and safety implications of farming in our current food system. We will also discuss genetically modified crops, and the meaning of "organic," "sustainable," and "fair trade," as well as ongoing debates about these labels. We will then take a series of weeks to look at the role the government plays in what foods are eaten in the United States, through its food assistance programs, food purchasing programs, and nutrition guidelines. Finally, we will spend the last few weeks of the semester evaluating potential solutions, including interventions aimed at improving education about healthy foods, changing food advertising and marketing practices, and increasing access to healthy foods.

The reading materials for the seminar will be provided in a course reader, and will include various book chapters, cases, regulations, news reports, and scholarly articles that present diverse viewpoints on the topics presented. The seminar is intended to spark debate between different sides of these often controversial issues. In addition to discussion of the reading for each class theme, students will also be assigned to participate in role plays and debates.

The seminar is open to any student interested in food and agricultural policy and its implications on health and the environment, and no background or prerequisites are required. Rather than an examination, students will be required to submit reading responses, via the online course blog; prepare for and participate in in-class role play debates; and submit one short policy brief. The policy brief will be geared to the appropriate government level and agency (state or federal government, depending on who controls the issue) and will explain a food-related problem and recommend a policy change or set of changes intended to improve the health, nutrition, or environmental outcomes. Grades will be determined on the basis of these written submissions, in-class role plays, and class participation.

Enrollment in the seminar is limited to 20 students, and is open to LLM students by permission.

Some seats are reserved for students enrolled in the spring Food Law and Policy Clinic. A student's enrollment in a reserved clinical seat is dependent on the student's enrollment in the Food Law and Policy Clinic. Once a student enrolls in the clinic, the Office of Clinical and Pro Bono Programs will enroll them in the seminar. If a student chooses to drop from the clinic, they will also be dropped from the seminar. Please see the clinic's description for more information.



# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

**2014-2015 Academic Year**

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Food Law and Policy Clinic of the Center for Health Law and Policy Innovation

**Course #:** 8038      **Term:** 2014FA      **Faculty:** Broad Leib, Emily; Greenwald, Robert      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Health Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Food Law and Policy (2 fall credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS.

The Food Law and Policy Clinic of the Center for Health Law and Policy Innovation was established in 2010 to link Harvard Law students with opportunities to work with clients and communities on various food law and policy issues. The Clinic aims to increase access to healthy foods, prevent diet-related diseases such as obesity and type 2 diabetes, and assist small farmers and producers in participating in food markets.

Students in the Clinic have the opportunity to work on a range of federal, state, and local law and policy projects, such as: working with state and local food policy councils to identify and support policy changes to the food system; analyzing and recommending ways to increase access to healthy produce for low-income individuals and those living in areas with limited food access; identifying and eliminating legal and non-legal barriers inhibiting small producers from selling at farmers markets, grocery stores, restaurants, and farm-to-school or farm-to-institution programs; assessing food safety laws to inform regulatory changes that could increase economic opportunities for small producers; establishing and supporting rural farmers markets, including breaking down barriers to the use of SNAP (food stamps) and WIC Farmers Market Nutrition Program benefits at markets; exploring state and federal policy options to reduce the rate of diet-related disease such as type 2 diabetes; and investigating best practices to promote healthy school environments, including improving the food options available in public schools, promoting better school health curricula, increasing the procurement of fresh, local foods for school meals, and creating more opportunities for school and community gardens.

Clinic projects will help students to hone a number of skills, including research and writing of legal and policy documents, reports, and training materials; statutory interpretation and drafting of legislation and regulations; conducting interviews and fact-finding with clients, stakeholders, and governmental agencies; and public speaking through conducting presentations and training. Clinic clients are located around the United States, and some students will have the opportunity to travel, as we work closely with partners in states such as Alabama, Arkansas, Mississippi, North Carolina, and Tennessee.

Students who would like to participate in the clinic must enroll through clinical registration. Clinical placements are available for 2, 3, or 4 clinical credits. Students who enroll in the clinic will also be enrolled in the required 2-credit fall seminar (Food Law and Policy) by the Office of Clinical and Pro Bono Programs. Their enrollment in this seminar is dependent on their clinical enrollment (should they drop the clinic, they will also be dropped from the seminar). For more information about the clinic please email Emily Broad Leib at [ebroad@law.harvard.edu](mailto:ebroad@law.harvard.edu) or visit our clinical suite in the WCC 3130.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Food Law and Policy Clinic of the Center for Health Law and Policy Innovation

**Course #:** 8038      **Term:** 2015SP      **Faculty:** Broad Leib, Emily; Greenwald, Robert      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Health Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Food Law and Policy (2 spring credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. Additional Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: January 16, 2015. LLM Students: LLM students may apply to this clinic by submitting an application. Placement Site: HLS.

The Food Law and Policy Clinic of the Center for Health Law and Policy Innovation was established in 2010 to link Harvard Law students with opportunities to work with clients and communities on various food law and policy issues. The Clinic aims to increase access to healthy foods, prevent diet-related diseases such as obesity and type 2 diabetes, and assist small farmers and producers in participating in food markets.

Students in the Clinic have the opportunity to work on a range of federal, state, and local law and policy projects, such as: working with state and local food policy councils to identify and support policy changes to the food system; analyzing and recommending ways to increase access to healthy produce for low-income individuals and those living in areas with limited food access; identifying and eliminating legal and non-legal barriers inhibiting small producers from selling at farmers markets, grocery stores, restaurants, and farm-to-school or farm-to-institution programs; assessing food safety laws to inform regulatory changes that could increase economic opportunities for small producers; establishing and supporting rural farmers markets, including breaking down barriers to the use of SNAP (food stamps) and WIC Farmers Market Nutrition Program benefits at markets; exploring state and federal policy options to reduce the rate of diet-related disease such as type 2 diabetes; and investigating best practices to promote healthy school environments, including improving the food options available in public schools, promoting better school health curricula, increasing the procurement of fresh, local foods for school meals, and creating more opportunities for school and community gardens.

Clinic projects will help students to hone a number of skills, including research and writing of legal and policy documents, reports, and training materials; statutory interpretation and drafting of legislation and regulations; conducting interviews and fact-finding with clients, stakeholders, and governmental agencies; and public speaking through conducting presentations and training. Clinic clients are located around the United States, and some students will have the opportunity to travel, as we work closely with partners in states such as Alabama, Arkansas, Mississippi, North Carolina, and Tennessee.

Students who would like to participate in the clinic must enroll through clinical registration. Clinical placements are available for 2, 3, or 4 clinical credits. Students who enroll in the clinic will also be enrolled in the required 2-credit spring seminar (Food Law and Policy) by the Office of Clinical and Pro Bono Programs. Their enrollment in this seminar is dependent on their clinical enrollment (should they drop the clinic, they will also be dropped from the seminar). For more information about the clinic please email Emily Broad Leib at [ebroad@law.harvard.edu](mailto:ebroad@law.harvard.edu) or visit our clinical suite in the WCC 3130.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Food Law and Policy Clinic of the Center for Health Law and Policy Innovation

**Course #:** 8038      **Term:** 2015WI      **Faculty:** Broad Leib, Emily; Greenwald, Robert      **Credits:** 2.00

**Type:** HLS Clinic      **Subject Areas:** Health Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Food Law and Policy (2 fall credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students are not eligible to apply.  
Placement Site: HLS.

The Food Law and Policy Clinic of the Center for Health Law and Policy Innovation was established in 2010 to link Harvard Law students with opportunities to work with clients and communities on various food law and policy issues. The Clinic aims to increase access to healthy foods, prevent diet-related diseases such as obesity and type 2 diabetes, and assist small farmers and producers in participating in food markets.

Students in the Clinic have the opportunity to work on a range of federal, state, and local law and policy projects, such as: working with state and local food policy councils to identify and support policy changes to the food system; analyzing and recommending ways to increase access to healthy produce for low-income individuals and those living in areas with limited food access; identifying and eliminating legal and non-legal barriers inhibiting small producers from selling at farmers markets, grocery stores, restaurants, and farm-to-school or farm-to-institution programs; assessing food safety laws to inform regulatory changes that could increase economic opportunities for small producers; establishing and supporting rural farmers markets, including breaking down barriers to the use of SNAP (food stamps) and WIC Farmers Market Nutrition Program benefits at markets; exploring state and federal policy options to reduce the rate of diet-related disease such as type 2 diabetes; and investigating best practices to promote healthy school environments, including improving the food options available in public schools, promoting better school health curricula, increasing the procurement of fresh, local foods for school meals, and creating more opportunities for school and community gardens.

Clinic projects will help students to hone a number of skills, including research and writing of legal and policy documents, reports, and training materials; statutory interpretation and drafting of legislation and regulations; conducting interviews and fact-finding with clients, stakeholders, and governmental agencies; and public speaking through conducting presentations and training. Clinic clients are located around the United States, and some students will have the opportunity to travel, as we work closely with partners in states such as Alabama, Arkansas, Mississippi, North Carolina, and Tennessee.

Students who would like to participate in the clinic must enroll through clinical registration. Clinical placements are available for 2 clinical credits. Students who enroll in the clinic will also be enrolled in the required 2-credit fall seminar (Food Law and Policy) by the Office of Clinical and Pro Bono Programs. Their enrollment in this seminar is dependent on their clinical enrollment (should they drop the clinic, they will also be dropped from the seminar). For more information about the clinic please email Emily Broad Leib at [ebroad@law.harvard.edu](mailto:ebroad@law.harvard.edu) or visit our clinical suite in the WCC 3130.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Foreign Relations Law

**Course #:** 2316      **Term:** 2015SP      **Faculty:** Goldsmith, Jack      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

**Course Description:** This course examines the constitutional and statutory doctrines regulating the conduct of American foreign relations. Topics include the distribution of foreign relations powers between the three branches of the federal government, the role of federalism in foreign relations, the status of international law in U.S. courts, the scope of the treaty power, the validity of executive agreements, the power to declare and conduct war, legal issues related to the war on terrorism and covert action, and the political question and other doctrines regulating judicial review in foreign relations cases.

Pre-requisite: A law school or undergraduate class in structural constitutional law. The HLS courses that will satisfy this prerequisite are Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment or Federal Courts. You may take Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment concurrently. If you've completed an undergraduate course in constitutional law, or some equivalent, you will need to seek permission from the faculty member to enroll in this course.

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## From Protest to Law: Triumphs and Defeats of the Civil Rights Revolution, 1950-1970

**Course #:** 2697      **Term:** 2014FA      **Faculty:** Kennedy, Randall      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal History

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:00 PM - 2:30 PM

WCC2009

Tue 1:00 PM - 2:30 PM

WCC2009

**Course Description:** This course will examine the erasure of de jure segregation (see, e.g. *Morgan v. Virginia*, *Brown v. Board of Education*, and *Loving v. Virginia*, restrictions on private racial discrimination (see, e.g. the civil rights acts of 1964 and 1968), and efforts to enforce the Fifteenth Amendment (see, e.g. *The Voting Rights Act of 1965*). Attention will be paid to the social movement that generated the controversies that were, to some degree, settled by adjudications and legislation. But the main focus of our study will be on the arguments deployed by lawyers, legislators, and judges.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Fundamentals in Legal Theory

**Course #:** 2658      **Term:** 2014FA      **Faculty:** Halley, Janet      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

HAU104

**Course Description:** This Reading Group is designed to provide some fundamentals of critical legal methodology to students in the early stages of large writing projects. We will meet six times in October and early November.

Prerequisite: Admission is by permission of the instructor. Please send Professor Halley's assistant, Terry Cyr (tcyr@law.harvard.edu,) a 1-page statement of interest, and please note Fundamentals Statement of Interest in the subject line. We will issue permissions to enroll, on a rolling basis, on April 16, July 31, September 8 and September 30.

Examination will be by last-class take-home, and class participation is expected and will be considered in grading.

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## Fundamentals of Statistical Analysis

**Course #:** 2093      **Term:** 2014FA      **Faculty:** Cope, David      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Thu 5:00 PM - 7:00 PM

**Location**

WCCB015

**Course Description:** Intended for law students with little or no background in mathematics and statistics, this class will provide basic tools needed for designing, conducting and critically assessing empirical legal research, i.e., legal research that relies to a significant degree on data-based argumentation.

There will be six 2-hour meetings during September and October which will cover the following topics: formulating a research question and finding or creating an appropriate data set; survey design and analysis; presenting data visually and with summary statistics; the logic of hypothesis testing and estimation; correlation and linear regression; and multivariate analysis with an emphasis on multiple regression.

There will be weekly (ungraded) exercises and a take-home final examination for which students may substitute a paper of approximately ten pages presenting any one of the following: a plan for an empirical study, a critique of an existing empirical study, or a discussion of an issue relating to the use of statistics in law.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Future of the Family

**Course #:** 2094      **Term:** 2014FA      **Faculty:** Bartholet, Elizabeth      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law

**Delivery Mode:** Seminar

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC5052

**Course Description:** This seminar is for students interested in writing a research paper on any issue related to the above range of topics, as well as for students interested in doing papers on ideas explored in connection with any Child Advocacy Program (CAP) course (Child, Family & State, Family Law, The Art of Social Change, CAP Clinic). Initial class sessions will focus on readings related to general substantive area and also research and writing issues, and later sessions will focus on student work. Students will receive extensive guidance and feedback on their writing. Possible issue areas include but are not limited to: parenting and procreation; child maltreatment and related state intervention; high-tech infertility treatment; the commercialization of reproduction (sale of eggs, sperm, embryos and pregnancy services); non-traditional family forms (single parenting, same-sex unions and marriage, transracial and international adoption); and fetal abuse, sex selection, cloning, stem cell research and the new eugenics options. Requirements include: regular attendance, active participation, presentation of own work, feedback on others work, and a research paper. Students are encouraged to write a substantial paper for an additional credit; this can be used to satisfy the Schools Written Work Requirement. Prerequisite: Instructor permission is required for cross-registrants.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Gender and Sexuality in Transnational Law

**Course #:** 2095      **Term:** 2014FA      **Faculty:** Halley, Janet      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

### Location

HAU104

HAU104

### Course Description:

This course will study the rapid institutionalization of feminist ideas over the course of the 1990's and early years of the 2000's, particularly in international humanitarian, international human rights and international criminal law. We will pay particular attention to feminists' use of state-based, international-legal-organization-based, and NGO-based institutions as instruments and as fora for implementing feminist legal reform ideas. The emergence of mainstreamed feminism, providing for professional jobs requiring expertise in "women's issues" or "sexual violence" or "gender," will be an object of our attention: what is the current content of this expertise? Increasingly a new, somewhat distinct project is emerging: sexual orientation and gender identity (SOGI), a rubric that is by intention not limited to women and can house both men and sexual minorities: we will examine these emerging theoretical and reform ideas. The course will cover a wide range of topics: rape and sexual violence in and out of armed conflict, the emerging concept of "gender violence," trafficking, gender and family policy in economic development, sexual and reproductive health, prostitution/sex work, gender in low-wage labor migration, etc.

In addition to providing students with basic literacy in an increasingly complex body of law about gender and sexuality, this course will address the roles of feminist theory in law reform, policy formation, and political struggle. We will also study and compare various methodologies for assessing the impact of feminist law reforms.

LL.M.s are encouraged to enroll. Examination will be by last-day take-home examination, and students will have the option of writing a research paper with the instructor's permission. Class participation is expected and will be considered in grading.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Gender Violence Legal Policy Workshop

**Course #:** 2513      **Term:** 2015SP      **Faculty:** Rosenfeld, Diane      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This workshop offers the student hands-on experience in analyzing, evaluating, and creating legal policy on a range of issues related to gender violence. The three main areas of concentration are 1) legal policy on preventing and addressing campus sexual assault under Title IX; 2) preventing domestic violence homicide through high-risk teams and the use of GPS monitoring for offenders; and 3) working to address sex trafficking and prostitution. We advise government officials (local, state and federal), advocacy groups working to stop gender violence, and individuals needing assistance in knowing their rights or accessing services. Prerequisite: Students enrolled in the workshop must register for either the Title IX course or the Gender Violence, Law and Social Justice course in this academic year.

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## Gender Violence, Law and Social Justice

**Course #:** 2098      **Term:** 2015SP      **Faculty:** Rosenfeld, Diane      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

**Course Description:** This course offers an in-depth examination of the phenomenon of gender-motivated violence. Following a survey of the prevalence and varieties of sexual violence and coercion around the world, we consider questions such as: How, if at all, is violence against women different from other types of violence? How effective have been legal strategies to address violence against women, and what shifts in thinking about gender-motivated violence would be necessary finally to eradicate it? How does the toleration of sexual violence shape people's expectations and sense of entitlements? What are the implications of gender-based violence for the constitutional guarantee of equal protection of the laws? Does equal protection itself have a gendered meaning and impact? Among the types of violence against women we will consider are: intimate-partner violence; domestic homicide; prostitution; rape; sex trafficking; and violence facilitated by the Internet. The readings consist of primary and secondary materials drawn from several disciplines: law, social science, political science, psychology, evolutionary biology, and women's studies. There are no prerequisites for this class.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Global Anticorruption Lab

**Course #:** 2646      **Term:** 2014FA      **Faculty:** Stephenson, Matthew      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC5051

**Course Description:** This course will provide an opportunity for students interested in anticorruption (from legal, social scientific, or policy perspectives) to work on independent research projects in a collaborative, interactive setting. Students will select one or more topics of interest to explore during the semester; we will meet each week for an hour to discuss one another's research, and to brainstorm new topics. In lieu of a long final paper or short weekly response papers, students will instead be expected to contribute four substantive posts (1-3 paragraphs each) to the Global Anticorruption Blog. Participants will also be expected to participate in online discussions and debates about other blog entries. Students interested in expanding their research into a full paper may do so for an appropriate number of additional independent writing credits. Enrollment is limited to 12, and is by permission of the instructor. Interested students should email Professor Stephenson (mstephen@law.harvard.edu); the email should include a current CV and a statement of interest (preferably including one or two topics you might be interested in writing about). Please also indicate whether you intend to enroll in both semesters of the Lab, or only the Fall. (Enrollment in both semesters is not required, but preference will be given to applicants who intend to enroll for the full year.)

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## Global Anticorruption Lab

**Course #:** 2646      **Term:** 2015SP      **Faculty:** Stephenson, Matthew      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

**Course Description:** This course will provide an opportunity for students interested in anticorruption (from legal, social scientific, or policy perspectives) to work on independent research projects in a collaborative, interactive setting. Students will select one or more topics of interest to explore during the semester; we will meet each week for an hour to discuss one another's research, and to brainstorm new topics. In lieu of a long final paper or short weekly response papers, students will instead be expected to contribute four substantive posts (1-3 paragraphs each) to the Global Anticorruption Blog. Participants will also be expected to participate in online discussions and debates about other blog entries. Students interested in expanding their research into a full paper may do so for an appropriate number of additional independent writing credits. Enrollment is limited to 12, and is by permission of the instructor. Interested students should email Professor Stephenson (); the email should include a current CV and a statement of interest (preferably including one or two topics you might be interested in writing about). Admission preference will be given to applicants who enrolled in the Fall semester.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Globalization of Law in Historical Perspective

**Course #:** 2374      **Term:** 2014FA      **Faculty:** Kennedy, Duncan      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal History

**Delivery Mode:** Course

**Days and Times:**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

**Location**

HAU104

HAU104

**Course Description:** This course will examine the process by which western legal rules and ideas globalized during the period 1850-2000. It will review the development of western classical legal thought in the late 19th century, and its diffusion through colonization, unequal treaties and prestige/influence. It will then take up the Social, the dominant western mode of the first half of the 20th century, and contemporary legal thought, each with characteristic modes of diffusion. Throughout, we will study the ways in which receiving countries selected what ideas to import, transformed those ideas on arrival, and sometimes became exporters in their turn. The readings are mainly law review articles, in many fields of public, private and international law, comparative law and legal theory, and they are fairly extensive and difficult. The exam will be an open book take home distributed on the last day of class and due on the last day of exam period.

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## Globalization: Business, Legal and Public Policy Issues

**Course #:** 2696      **Term:** 2015WI      **Faculty:** Kaden, Lewis      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

**Location**

**Course Description:** This course explores business, legal and public policy issues arising in the global economy. The class discussions focus on cases which set out factual settings which raise questions of substance, strategy and tactics for many parties involved in the matter, including business organizations, civic groups, governments and multilateral organizations. The topics for the cases include financial crises, trade, intellectual property, global labor standards and human rights, law enforcement in multiple jurisdictions, and corruption. In the class sessions, we will concentrate on the choices available to each major participant and we will ask members of the class either individually or in small groups to address those choices throughout the discussion on that case from the position of one of the interests involved in the matter. Evaluation will be based on active engagement in the class discussions and a short written assignment. There is no formal prerequisite, the materials will include all you need to participate in the discussions and the course will be open to law, business and public policy students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Governance of U.S. Public Corporations

**Course #:** 2706      **Term:** 2015SP      **Faculty:** Cole, Thomas      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 8:00 PM

**Course Description:** Through the production of goods and services, innovation, employment and occasional misbehavior, publicly-held corporations in the U.S. exert an enormous impact on the lives of individuals and the economy in general. How (and how well) corporations are governed greatly influences what that impact will be. This seminar will provide students with a deep understanding of applicable legal, regulatory and market influences on corporate governance, an appreciation for the historical development and continuing evolution of the current system of governance and insights into current hot issues (including shareholder activism). We will discuss critical policy issues such as for whose benefit is a corporation to be governed and what is the proper balance of decision-making authority between owners and managers. There will be a heavy emphasis on the practical aspects of advising boards of directors as they make critical decisions about strategy, CEO succession, and mergers and acquisitions.

Corporations and/or securities law courses provide useful background, but are not prerequisites. Grades will be based upon a paper. Enrollment will be limited to 22 students. The seminar will meet in the 2015 Spring semester for eight consecutive three-hour sessions on Mondays (beginning with the first Monday in the semester) from 5:00 to 8:00 p.m. This seminar is taught by Thomas A. Cole of Sidley Austin LLP <http://www.sidley.com/thomas-cole/>

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Government Lawyer

**Course #:** 2103      **Term:** 2014FA      **Faculty:** Whiting, Alex      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 2:30 PM

Tue 1:00 PM - 2:30 PM

### Location

GRS110

GRS110

### Course Description:

The course will examine the roles and responsibilities of the prosecutor, with a particular focus on federal prosecutors. The course will consider questions concerning the politics of prosecution, the role of the prosecutor in the adversarial system (and whether that system is the best for achieving justice), and the autonomy and discretion of the prosecutor. We will look at issues that arise at the policy level for prosecutors, as well as those that face individual prosecutors in their work. Some specific topics that will be addressed will include prosecutorial ethics; disclosure and discovery issues; pretrial publicity; investigations (including use of the grand jury); sentencing; federalization of crime; and dealing with informants, cooperators, and victims. We will consider these issues in the context of different areas of criminal prosecution, including white-collar crime, organized crime, urban violence, and terrorism. A paper will be required in lieu of an examination. Some seats in this course are reserved for students enrolled in Government Lawyer: United States Attorney Clinic (note: students in BOTH the FALL and SPRING clinic offerings must enroll in this FALL course). To claim a reserved clinic seat, students must first be enrolled in the clinic. For more information about this clinic, please view the clinic description or contact the Office of Clinical and Pro Bono Programs.

This course satisfies the Law Schools professional responsibility requirement.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Government Lawyer: Attorney General Clinic

**Course #:** 8015      **Term:** 2014FA      **Faculty:** Tierney, James      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Criminal Law & Procedure; Government Structure & Function; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: The Role of the State Attorney General (2 spring credits). Some seats are reserved for clinical students. Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 8, 2014.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.  
Placement Site: Various externship placements at the Massachusetts's AG Office.  
The State Attorney General Clinic offers students an opportunity to work with the Office of the Massachusetts Attorney General's Office. Clinical students responsibilities will include writing and research work pertinent to the division in which they are placed. Assignments will often include research and drafting memos and briefs. Students are placed in various divisions including:  
Criminal Bureau (Appeals Division, Cybercrime Division, Enterprise and Major Crimes Division, Environmental Crimes Strike Force, Public Integrity Division)  
Government Bureau (Trial Division)  
Public Protection Bureau (Civil Rights Division, Health Care Division, Consumer Protection, Environmental Protection Division)

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August 18, 2014 2:02 AM

2014-2015 Academic Year

## Government Lawyer: Attorney General Clinic

**Course #:** 8015      **Term:** 2015SP      **Faculty:** Tierney, James      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Criminal Law & Procedure; Government Structure & Function; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: The Role of the State Attorney General (2 spring credits). Some seats are reserved for clinical students. Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 9, 2015.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.  
Placement Site: Various externship placements at the Massachusetts's AG Office.  
The State Attorney General Clinic offers students an opportunity to work with the Office of the Massachusetts Attorney General's Office. Clinical students responsibilities will include writing and research work pertinent to the division in which they are placed. Assignments will often include research and drafting memos and briefs. Students are placed in various divisions including:  
Criminal Bureau (Appeals Division, Cybercrime Division, Enterprise and Major Crimes Division, Environmental Crimes Strike Force, Public Integrity Division)  
Government Bureau (Trial Division)  
Public Protection Bureau (Civil Rights Division, Health Care Division, Consumer Protection, Environmental Protection Division)

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## Government Lawyer: Attorney General Clinic

**Course #:** 8015      **Term:** 2015WI      **Faculty:** Tierney, James      **Credits:** 2.00

**Type:** HLS Clinic      **Subject Areas:** Criminal Law & Procedure; Government Structure & Function; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: The Role of the State Attorney General (2 spring credits). Some seats are reserved for clinical students. Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 5, 2014.  
LLM Students: LLM students are not eligible to enroll.  
Placement Site: Various externship placements at AG offices throughout the country during winter term.  
The State Attorney General Clinic during the winter term offers students an opportunity to work in state attorney general offices around the country. Clinic work is full-time and care will be taken to place students in both states and divisions that meet their professional goals, although particular placements are not guaranteed. Winter term placements in 2014 were involved in various divisions of State AG office: environment, criminal trials and appeals, human trafficking, civil defense, opinions and consumer protection. Students were placed in seven different states for a three week period. Some financial support is available to assist with transportation and lodging.  
Students may continue their winter work remotely from HLS during the spring term.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Government Lawyer: Semester in Washington Clinic

**Course #:** 8016      **Term:** 2015SP      **Faculty:** Wroblewski, Jonathan      **Credits:** 6.00

**Type:** HLS Clinic      **Subject Areas:** Government Structure & Function; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Government Lawyer: Semester in Washington Clinical Seminar (3 spring credits). Students who are accepted into the clinic will be enrolled in both the clinic and clinical seminar by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes. Applications are due August 15, 2014.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students are not eligible to enroll.  
Placement Site: Various externship placements in Washington D.C.  
Students spend the entire spring term (except for spring break) in Washington, D.C. working as legal interns in a variety of federal offices while taking an evening course (twice a week during the spring) on government lawyering. There is no course work during winter term. Students are required to work 40 hours per week in the winter term, and at least 30 hours a week in the spring term. Clinical work exposes students to the distinct forms of lawyering practiced by government attorneys in diverse policy positions in the federal government. Placements are principally in federal government offices where lawyers conduct research and provide legal advice and assistance on policy, legislative or regulatory matters, rather than investigating and litigating cases. Placements in past years have included the House and Senate Judiciary Committees, the Departments of Justice and State, the White House Counsels Office, the Central Intelligence Agency, and the Federal Communications Commission. Placements are coordinated by the clinic director, Jonathan Wroblewski, in consultation with students. Students admitted to the clinic will meet individually with the clinic director to discuss their areas of interest and placement possibilities. Every effort will be made to provide a placement to meet each student's interest. During the clinic, the director will meet one-on-one with students on a periodic basis to discuss their ongoing work experience and progress.  
Given the nature of government office hiring and the timing of security clearances, it is possible that placements may not be finalized until after committing to this clinic. Every effort is made to place students in his or her interest area.  
This option is for the spring clinic. There is also a separate winter-spring clinic option, where students start early by spending the Winter Term in Washington, D.C. working full-time at their placement offices..  
To get an inside view of the Program, students may access the Semester in Washington iSite, which contains detailed information about last year's syllabus, course requirements, events, funding, housing, placements, etc.  
Enrollment is by application and limited to 2L and 3L students. Students must be enrolled full-time at Harvard Law School to apply. Interested students can apply by submitting an application form, current resume, academic transcript, and a writing sample of no more than 10 pages. Apply through an online application form by August 15, 2014.  
Students should be aware of their yearly HLS credit minimums, as the spring semester is spent entirely off campus (student will receive 6 spring clinical credits + 3 spring course credits for a total of 9 spring semester credits).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Government Lawyer: Semester in Washington Clinic

**Course #:** 8016      **Term:** 2015WS      **Faculty:** Wroblewski, Jonathan      **Credits:** 8.00

**Type:** HLS Clinic      **Subject Areas:** Government Structure & Function; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Government Lawyer: Semester in Washington Clinical Seminar (3 spring credits). Students who are accepted into the clinic will be enrolled in both the clinic and clinical seminar by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes. Applications are due August 15, 2014.  
Add/Drop Deadline: December 5, 2014.  
LLM Students: LLM students are not eligible to enroll.  
Multi-Semester: This is a winter-spring clinic (2 winter credits + 6 spring credits).  
Placement Site: Various externship placements in Washington D.C.  
Students spend the entire winter and spring terms (except for spring break) in Washington, D.C. working as legal interns in a variety of federal offices while taking an evening course (twice a week during the spring) on government lawyering. There is no course work during winter term. Students are required to work 40 hours per week in the winter term, and at least 30 hours a week in the spring term. Clinical work exposes students to the distinct forms of lawyering practiced by government attorneys in diverse policy positions in the federal government. Placements are principally in federal government offices where lawyers conduct research and provide legal advice and assistance on policy, legislative or regulatory matters, rather than investigating and litigating cases. Placements in past years have included the House and Senate Judiciary Committees, the Departments of Justice and State, the White House Counsels Office, the Central Intelligence Agency, and the Federal Communications Commission. Placements are coordinated by the clinic director, Jonathan Wroblewski, in consultation with students. Students admitted to the clinic will meet individually with the clinic director to discuss their areas of interest and placement possibilities. Every effort will be made to provide a placement to meet each student's interest. During the clinic, the director will meet one-on-one with students on a periodic basis to discuss their ongoing work experience and progress.  
Given the nature of government office hiring and the timing of security clearances, it is possible that placements may not be finalized until after committing to this clinic. Every effort is made to place students in his or her interest area.  
This option is for the winter-spring clinic. There is also a separate spring-only clinic option. To get an inside view of the Program, students may access the Semester in Washington iSite, which contains detailed information about last year's syllabus, course requirements, events, funding, housing, placements, etc.  
Enrollment is by application and limited to 2L and 3L students. Students must be enrolled full-time at Harvard Law School to apply. Interested students can apply by submitting an application form, current resume, academic transcript, and a writing sample of no more than 10 pages. Apply through an online application form by August 15, 2014.  
Students should be aware of their yearly HLS credit minimums, as the spring semester is spent entirely off campus (student will receive 6 spring clinical credits + 3 spring course credits for a total of 9 spring semester credits).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Government Lawyer: Semester in Washington Clinical Seminar

**Course #:** 2104      **Term:** 2015SP      **Faculty:** Wroblewski, Jonathan      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**      **Location**

**Course Description:** Required Clinic Component: Government Lawyer: Semester in Washington Clinic, either during winter-spring (2 winter credits + 6 spring credits) or spring clinic (6 spring credits). Students who are accepted into one of these two clinic offerings (winter-spring or spring) will be enrolled in the clinic and clinical seminar by the Office of Clinical and Pro Bono Programs.

Additional Co-/Pre-Requisites: None.

By Permission: Yes. Applications to the clinic are due August 15, 2014.

Add/Drop Deadline: December 5, 2014 for winter-spring clinic students. January 16, 2015 for spring clinical students.

LLM Students: LLM students are not eligible to enroll.

This course is offered as part of the Government Lawyer: Semester in Washington Clinic. Students spend the entire Spring term (except for spring break) in Washington, D.C. working as legal interns in a variety of federal offices while taking an evening course on government lawyering. Students may also begin the clinical work in the Winter Term. Students are required to work 40 hours per week in the Winter term, and at least 30 hours a week in the Spring semester. Clinical work exposes students to the distinct forms of lawyering practiced by government attorneys in diverse policy positions in the federal government. Placements are principally in federal government offices where lawyers conduct research and provide legal advice and assistance on policy, legislative or regulatory matters, rather than investigating and litigating cases. Students attend an evening class twice a week during the Spring semester. Readings and classroom discussions will be supplemented by guest speaker events and visits to government offices on several occasions throughout the semester. Case studies will supplement the core readings. The course will focus on the role of the government lawyer in policymaking and the many forces that influence the work of policymaking generally, and the government lawyers part in that process specifically. The course will examine the skills required of government attorneys in policymaking, the unique ethical, legal, and moral issues they face, and the impact of politics and ideology on their work. The course will explore the role of think tanks and interest groups on policymaking, how these organizations have proliferated in Washington over time, and how their work and their influence have changed. The course will look at the discourse in policymaking in Washington, whether it has changed, and the implications of the state of discourse for the government lawyer involved in policymaking, legal advice, and advocacy. Finally, the course will explore the process of policymaking, the use of data and research in policymaking, and the role of the bureaucracy. The course will include student discussions of their experiences in their clinical placements. Students will be required to come to class prepared to discuss relevant elements of their work each week. Guest speakers, including government lawyers, issue advocates, and think tank scholars, will visit the class periodically throughout the semester. Students will be expected to research the background of the guests and participate in class interviews to explore their work. The class may also include visits to government offices to examine, for example, how data used in the policymaking process is actually collected and synthesized. A course paper relating to the students work or to classroom subjects will be required in lieu of an examination.

To get an inside view of the Program, students may access the Semester in Washington iSite, which contains detailed information about last years syllabus, course requirements, events, funding, housing, placements, etc.

Enrollment is by application and limited to 2L and 3L students. Students must be enrolled full-time at Harvard Law School to apply. Interested students can apply by submitting an application form, current resume, academic transcript, and a writing sample of no more than 10

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

pages. Apply through an online application form by August 15, 2014.

Students should be aware of their yearly HLS credit minimums, as the spring semester is spent entirely off campus (student will receive 6 spring clinical credits + 3 spring course credits for a total of 9 spring semester credits).

This course fulfills the Professional Responsibility requirement.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Government Lawyer: United States Attorney Clinic

**Course #:** 8017      **Term:** 2014FA      **Faculty:** Whiting, Alex      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Criminal Law & Procedure; Government Structure & Function; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Government Lawyer (3 fall credits). Some seats are reserved for clinical students. Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: June 23, 2014.  
LLM Students: LLM students are not eligible to enroll.  
Placement Site: Various externship placements at the U.S. Attorney's office in Boston.  
Students must attend a mandatory training session during the week of September 8 (details TBD). The Government Lawyer clinic allows students to examine firsthand the roles and responsibilities of a federal prosecutor. Students are placed at the United States Attorneys Office in Boston. Work may include research, writing, trial and witness preparation, and attending depositions, hearings, and trials. The U.S. Attorneys Office offers placements in the following criminal divisions:

- Appeals Unit: The Appeals Unit is responsible for reviewing and approving all appellate briefs before they are filed.
- Anti-Terrorism and National Security Unit: The Anti-Terrorism and National Security Unit handles anti-terrorism investigations, those involving breaches of national security.
- Computer Crimes Unit: Investigates and prosecutes computer related crimes, including hacking, identity theft and other forms of computer fraud.
- Economic Crimes Unit: The Economic Crimes Unit handles complex economic crimes expected to require grand jury or other investigative effort.
- Health Care Fraud Unit: The Health Care Fraud Unit investigates and prosecutes complex health care fraud committed by corporate and individual defendants.
- Major Crimes Unit: The Major Crimes Unit handles violent crime, property crimes, fraud, theft, civil rights violations, and other matters of primary federal interest.
- Organized Crime Drug Enforcement Task Force: Drug Unit cases range from "buy/bust" prosecution to sophisticated money laundering prosecution.
- Organized Crime Strike Force: The organized crime unit handles complex long term matters, utilizing extensive grand jury and electronic surveillance, often using statutes such as RICO.
- Public Corruption and Special Prosecution Unit: The Public Corruption Unit handles sensitive cases involving allegations of corruption against elected and appointed federal, state, and local officials.

Important: All students must be U.S. citizens and complete a lengthy security clearance process by the Department of Justice, which involves numerous forms and fingerprinting. This process takes between 8-10 weeks for final clearance, which is then valid for only six months. This clearance process is not just a formality, and in some instances clearance has been delayed or denied. This process is coordinated between the Office of Clinical and Pro Bono Programs and the Human Resources department of the U.S. Attorney's Office.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Government Lawyer: United States Attorney Clinic

**Course #:** 8017      **Term:** 2015SP      **Faculty:** Whiting, Alex      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Criminal Law & Procedure; Government Structure & Function; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Government Lawyer (3 fall credits). Some seats are reserved for clinical students. Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students are not eligible to enroll.  
Placement Site: Various externship placements at the U.S. Attorney's office in Boston.  
Students must attend a mandatory training session during the week of January 26 (details TBD). The Government Lawyer clinic allows students to examine firsthand the roles and responsibilities of a federal prosecutor. Students are placed at the United States Attorneys Office in Boston. Work may include research, writing, trial and witness preparation, and attending depositions, hearings, and trials. The U.S. Attorneys Office offers placements in the following criminal divisions:

- Appeals Unit: The Appeals Unit is responsible for reviewing and approving all appellate briefs before they are filed.
- Anti-Terrorism and National Security Unit: The Anti-Terrorism and National Security Unit handles anti-terrorism investigations, those involving breaches of national security.
- Computer Crimes Unit: Investigates and prosecutes computer related crimes, including hacking, identity theft and other forms of computer fraud.
- Economic Crimes Unit: The Economic Crimes Unit handles complex economic crimes expected to require grand jury or other investigative effort.
- Health Care Fraud Unit: The Health Care Fraud Unit investigates and prosecutes complex health care fraud committed by corporate and individual defendants.
- Major Crimes Unit: The Major Crimes Unit handles violent crime, property crimes, fraud, theft, civil rights violations, and other matters of primary federal interest.
- Organized Crime Drug Enforcement Task Force: Drug Unit cases range from "buy/bust" prosecution to sophisticated money laundering prosecution.
- Organized Crime Strike Force: The organized crime unit handles complex long term matters, utilizing extensive grand jury and electronic surveillance, often using statutes such as RICO.
- Public Corruption and Special Prosecution Unit: The Public Corruption Unit handles sensitive cases involving allegations of corruption against elected and appointed federal, state, and local officials.

Important: All students must be U.S. citizens and complete a lengthy security clearance process by the Department of Justice, which involves numerous forms and fingerprinting. This process takes between 8-10 weeks for final clearance, which is then valid for only six months. This clearance process is not just a formality, and in some instances clearance has been delayed or denied. This process is coordinated between the Office of Clinical and Pro Bono Programs and the Human Resources department of the U.S. Attorney's Office.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Great Negotiators, Effective Diplomacy and Intractable Conflicts

**Course #:** 2733      **Term:** 2015SP      **Faculty:** Mnookin, Robert; Sebenius, James      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

### Location

### Course Description:

What can we learn from studying great negotiators and diplomats grappling with some of the world's most challenging problems? This course explores how modern diplomacy and negotiation can effectively address seemingly intractable international conflicts and overcome high barriers to agreement in civil wars, interstate conflicts, as well as in trade and finance. We will draw on in-depth cases from global politics and business. We will also seek to develop diagnostic and prescriptive generalizations about effective negotiation as well as the potential and limitations of diplomacy as central policy instruments for addressing contemporary issues of war and peace.

An important but not exclusive focus of this course will involve case studies of men and women from around the world who have been honored as Great Negotiators by the Program on Negotiation—an active inter-university consortium comprising faculty from across Harvard, MIT, and the Fletcher School at Tufts University—and the Future of Diplomacy Project at the Kennedy School. We will also draw on an ongoing research project of ours to interview all U.S. Secretaries of State for their most important insights into negotiation, diplomacy, and statecraft on major issues such as China, Russia and the Middle East. We will study a number of different conflicts and challenges, including some where negotiation and diplomacy paid off and others where such efforts failed.

Class sessions will be devoted to analyzing cases and video material relating to conflicts and challenges such as:

Senator George Mitchell's work in Northern Ireland leading to the Good Friday Accords;

Secretary of State James Baker's negotiations relating to

German re-unification within NATO;

the coalition that ousted Saddam Hussein from Kuwait; and

orchestrating the Madrid peace conference.

Ambassador Richard Holbrooke's negotiations leading to the Dayton Agreement that ended the war in Bosnia;

Ambassador Charlene Barshefsky's negotiations over intellectual property rights in China;

Nelson Mandela's negotiations resulting in the end of Apartheid and South Africa's transition to democracy and majority rule;

Former Finnish President Martti Ahtisaari's negotiation efforts leading to Kosovo's independence and

The resolution of the decades long bloody conflict between the government of Indonesia and the province of Aceh;

Financier Bruce Wasserstein's extended negotiations leading to the IPO of Lazard LLC.

We will also explore other situations where diplomatic negotiations have failed to prevent protracted and costly disagreements and bloody wars. Examples may include the Israeli-Palestinian conflict; the genocide in Rwanda; and the wars in Iraq and Afghanistan. In addition, we may also examine diplomatic negotiations directed at nuclear arms control, including efforts during the Cold War and more recently with respect to Iran and North Korea.

We will pay close attention to the how of negotiation and diplomacy. How is diplomacy

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

conducted at the highest levels? How can a country use negotiations and the combination of diplomacy and the threat of force effectively? How can a motivated individual most effectively overcome daunting barriers to a desired agreement? In service of these objectives, course readings beyond the case studies will be eclectic and interdisciplinary.

We will use class debates, case studies and student presentations to help class members practice the skills that are critical to success in public service as well as the private sector. Students should come to class having done all readings and prepared to engage in discussion and debate. We require active class participation with cold calling as the norm.

In addition, the course will require (a) three brief response papers (about two pages each) on the assigned readings; and (b) a Last-Class take home final exam with both time and word limits. With the advance permission of an instructor, a 15-20 page term paper on an approved topic may be substituted for the final exam. Grading will be on the basis of the quality and frequency of class participation, response papers, and the final exam or paper. For Law, Business and Kennedy School students, the final grade will be the responsibility of the professor from that school.

Each week, course faculty members will hold a one-hour optional discussion session. These discussion sessions will be scheduled at different times to offer maximum opportunity for class members with diverse schedules to attend.

Prerequisite: Absent the consent of an instructor, a pre-requisite is a prior negotiation course.

Note: The class will be limited to 75 students with the initial expectation of equal numbers of students from each of the Law, Kennedy, and Business Schools.

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### Green New York

**Course #:** 2106      **Term:** 2014FA      **Faculty:** Frug, Gerald      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Environmental Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

Wed 1:00 PM - 3:00 PM

**Location**

WCC3015

**Course Description:** For almost a decade, New York City has undertaken an ambitious urban agenda that includes a major focus on environmental issues, ranging from reducing the city's impact on climate change to dealing with waterways and brownfields. This seminar will address the legal problems that New York City confronts in undertaking this effort. Taught in conjunction with attorneys now working for the New York City Law Department, the seminar will consist of two parts. The first, which involves classroom work, will take place predominantly in the fall. This element will introduce basic issues of local government law and local environmental policy. The second, which involves clinical work with the New York City Law Department, will take place principally in the Spring. It will enable students to help the City in its effort to resolve some of the legal issues that it now faces. The seminar is limited to 12 students, and every student must be involved in both aspects of the seminar. To join the seminar, you must obtain permission from the instructor. To do so, you should [frug@law.harvard.edu](mailto:frug@law.harvard.edu), explaining your background and your interest. Applications are considered on a rolling basis. Interested students are encouraged to apply as early as possible.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Harvard Africa Workshop: New Forms of Law, Economy, Politics, and Culture

**Course #:** 2536      **Term:** 2014FA      **Faculty:** Coyle, Lauren      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 6:00 PM - 8:00 PM

**Course Description:** This workshop course engages central debates in African studies and interrogates recent transformations in prevailing forms of law, politics, economy, and culture across Africa. In particular, it examines the shifting place of Africa in the world, alongside the rise of African economies as significant sites of growth on the global stage. According to the International Monetary Fund's 2012 World Economic Outlook, 10 of the 20 countries projected to have the fastest economic growth for the period 2013-2017 are in Sub-Saharan Africa. Increasingly, Africa has been the site of new geopolitical struggles, contests over emerging markets, concerted efforts for constitutional reforms, and renewed rushes for land, minerals, oil, and other natural resources. Perhaps more than ever, Africa provides a particularly revelatory place for examination of contemporary challenges in law, policy, global governance, and social theory.

The course involves regular attendance and participation in Harvard's African Studies Workshop, which meets weekly on Monday evenings throughout the semester under the general theme, *Africa and the World at Large: Or, What the New Global Order Has to Learn from the Contemporary African Experience*. The Workshop is an open, interdisciplinary exchange, attended by faculty and students from across Harvard and the broader Boston community. Jean Comaroff and John Comaroff, leading anthropologists and social theorists based in Harvard's Faculty of Arts and Sciences, convene these evening sessions. Invited guest speakers briefly introduce their workshop papers, which they have pre-circulated a week in advance. A formal discussion then provides commentary. After this, the floor is open for attendees to raise questions and offer reflections in an open dialogue with the presenter. Further information about this workshop is available here: <http://africa.harvard.edu/african-studies-workshop/>.

In addition to participating in the weekly public workshops, HLS students will meet three times throughout the semester in closed sessions with the lecturer. In these sessions, we will discuss crosscutting themes in law and other disciplines featured in the various workshop papers. We also will read several short selections of canonical works in African studies in order to place the Workshop discussions in the context of central interdisciplinary debates. The range of Workshop papers and selected readings will allow for discussion of key features of colonialism, early postcolonial developmental states, and more recent neoliberal and post-Cold War transformations.

Students will have a choice of submitting either three shorter reflection papers throughout the semester or one long paper at the end of the term. Students also will be expected to read the pre-circulated papers each week and to submit two critical questions in advance of the Workshop meetings. Grades will be based on written work and class participation.

Note: The workshop will meet at FAS in Robinson Lower Library, in Harvard's History Department.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Harvard Immigration and Refugee Clinic

**Course #:** 8020      **Term:** 2014FA      **Faculty:** Anker, Deborah      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Constitutional Law & Civil Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Immigration and Refugee Advocacy (2 fall credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: September 3, 2014.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: Either HLS or GBLS (downtown Boston).

For over twenty-five years, the Harvard Immigration and Refugee Clinic (HIRC), in partnership with Greater Boston Legal Services (GBLS), has focused on direct representation of individuals applying for U.S. asylum and related relief, as well as representation of individuals who have survived domestic violence and other crimes and/or who seek avoidance of forced removal in immigration proceedings (i.e., VAWA, U-visas, Cancellation of Removal, Temporary Protected Status, etc.). HIRC is also involved in appellate and policy advocacy at the local, national, and international levels.

HIRC students take the lead in representing clients from all over the world who are seeking protection from being returned to human rights abuses in their country of origin, protection from exile after years of living in the United States, or reunification with their families. About forty students are placed each year with HIRC either at Harvard or at its partner clinic, Greater Boston Legal Services, Boston's oldest legal services organization (located in downtown Boston). Students typically work between fifteen and twenty hours per week (3-4 clinical credits).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Harvard Immigration and Refugee Clinic

**Course #:** 8020      **Term:** 2015SP      **Faculty:** Ardalan, Sabrineh      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Constitutional Law & Civil Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Immigration and Refugee Advocacy (2 spring credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: January 16, 2015.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: Either HLS or GBLS (downtown Boston).

For over twenty-five years, the Harvard Immigration and Refugee Clinic (HIRC), in partnership with Greater Boston Legal Services (GBLS), has focused on direct representation of individuals applying for U.S. asylum and related relief, as well as representation of individuals who have survived domestic violence and other crimes and/or who seek avoidance of forced removal in immigration proceedings (i.e., VAWA, U-visas, Cancellation of Removal, Temporary Protected Status, etc.). HIRC is also involved in appellate and policy advocacy at the local, national, and international levels.

HIRC students take the lead in representing clients from all over the world who are seeking protection from being returned to human rights abuses in their country of origin, protection from exile after years of living in the United States, or reunification with their families. About forty students are placed each year with HIRC either at Harvard or at its partner clinic, Greater Boston Legal Services, Boston's oldest legal services organization (located in downtown Boston). Students typically work between fifteen and twenty hours per week (3-4 clinical credits).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Harvard Legal Aid Bureau 2L

**Course #:** 8000      **Term:** 2014FS      **Faculty:** Grossman, David; Caramello, Esme      **Credits:** 6.00

**Type:** HLS Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Introduction to Advocacy: Ethics and Skills in Clinical Practice (2 fall credits + 1 spring credit). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: Evidence. Students must enroll in Evidence separately from clinic enrollment.

By Permission: Yes. Applications are due to the clinic by March 16, 2014.

Add/Drop Deadline: July 25, 2014.

LLM Students: LLM students are not eligible to enroll.

Multi-Semester: This is a fall-spring clinic (3 fall credits + 3 spring credits)

Placement Site: HLS.

This clinic has a mandatory orientation from August 23 - August 29.

The Harvard Legal Aid Bureau is a student-run organization composed of approximately 50 second and third year Harvard Law School students who provide free civil legal services to a diverse population of low-income clients in the Greater Boston area. Students are supervised by practicing attorneys, each with extensive public interest and private practice experience, who train students, accompany them to court, provide strategic advice, and assist in case management. The Bureau specializes in four major areas of practice: housing law, including evictions from public and private apartments; family law, including divorce, child custody, paternity, visitation, and support issues; government benefits law, including appeals of the denial or termination of unemployment or social security disability benefits; and fair wage law, including nonpayment or underpayment of wages. Because the Bureau is student-run, students take the lead in setting organizational policy and exploring new potential practice areas. Enrollment is by application during the spring of the students 1L year; participants commit to at least 20 hours per week of clinic work for the following two academic years.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Harvard Legal Aid Bureau 3L

**Course #:** 8010      **Term:** 2014FS      **Faculty:** Grossman, David; Caramello, Esme      **Credits:** 6.00

**Type:** HLS Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Advanced Clinical Practice (1 fall credit + 1 spring credit). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: Evidence; Harvard Legal Aid Bureau 2L.  
By Permission: Yes. This clinic is only open to students who have completed HLAB in their 2L year.  
Add/Drop Deadline: July 25, 2014.  
LLM Students: LLM students are not eligible to enroll.  
Multi-Semester: This is a fall-spring clinic (3 fall credits + 3 spring credits)  
Placement Site: HLS.  
The Harvard Legal Aid Bureau is a student-run organization composed of approximately 50 second and third year Harvard Law School students who provide free civil legal services to a diverse population of low-income clients in the Greater Boston area. Students are supervised by practicing attorneys, each with extensive public interest and private practice experience, who train students, accompany them to court, provide strategic advice, and assist in case management. The Bureau specializes in four major areas of practice: housing law, including evictions from public and private apartments; family law, including divorce, child custody, paternity, visitation, and support issues; government benefits law, including appeals of the denial or termination of unemployment or social security disability benefits; and fair wage law, including nonpayment or underpayment of wages. Because the Bureau is student-run, students take the lead in setting organizational policy and exploring new potential practice areas. Enrollment is by application during the spring of the students 1L year; participants commit to at least 20 hours per week of clinic work for the following two academic years.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Harvard Negotiation and Mediation Clinic

**Course #:** 8019      **Term:** 2014FA      **Faculty:** Bordone, Robert      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Negotiation and Mediation Clinical Seminar (1 fall credit). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: Negotiation Workshop. Students must enroll in Negotiation Workshop separately from clinic enrollment. There is no clinic preference or priority to enroll in Negotiation Workshop. Failure to meet the co-/pre requisites by the clinic' add/drop deadline will result in the student being dropped from this clinic and the required course.

By Permission: No.

Add/Drop Deadline: August 8, 2014.

LLM Students: Due to the pre-requisite, LLM students are not eligible to enroll.

Placement Site: HLS.

Students in the Harvard Negotiation and Mediation Clinical Program (HNMCP) work on advanced client matters related to negotiation, mediation, and conflict management. For example, students may assist an organization in conducting a conflict assessment, designing a dispute resolution system, assessing an ongoing set of dispute management processes, or resolving a current conflict or series of conflicts. In some instances, clinic teams design and deliver a tailored negotiation/mediation curriculum, offer strategic negotiation advice, or conduct a mediation or consensus-building session. In addition to applying the skills and concepts learned in Negotiation Workshop, students will develop a new set of skills that may include conducting interviews for stakeholder assessments, facilitating learning dialogues, running focus groups, leading teams, and presenting to clients. Each semester the clinic will offer a mix of public, private, domestic, and international projects. Recent clients include federal and state agencies, nonprofits, religious organizations, transnational corporations, small start-up companies, professional sports teams, municipalities, local government officials, and universities.

Students in the clinic will have the chance to manage senior level client relationships and are asked to work through difficult concepts and problems directly with clients and their clinical supervisor. Students work in a team of 2 to 4 students, typically collaborating on single project for one client during the entire semester. By working for a single client, students have the unique chance to collaborate on a project from start to finish. For an understanding of the kinds of projects clinic students undertake, you can read about current and past clients on our website.

The Negotiation Workshop is a required prerequisite for the Negotiation and Mediation Clinic. If you have questions about the clinic, feel free to email Tracy Blanchard at [tblanchard@law.harvard.edu](mailto:tblanchard@law.harvard.edu).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Harvard Negotiation and Mediation Clinic

**Course #:** 8019      **Term:** 2015SP      **Faculty:** Viscomi, Rachel      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Dispute Systems Design (2 spring credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. Additional Co-/Pre-Requisites: Negotiation Workshop. Students must enroll in Negotiation Workshop separately from clinic enrollment. There is no clinic preference or priority to enroll in Negotiation Workshop. Failure to meet the co-/pre requisites by the clinic' add/drop deadline will result in the student being dropped from this clinic and the required course. Students enrolled in the winter-spring Negotiation Workshop for the 14-15 year will qualify for meeting this pre-requisite. Students enrolled in the spring 2015 Negotiation Workshop, however, must complete the Workshop before enrolling in this clinic. LLM students may use either the winter-spring or spring Negotiation Workshop to satisfy the pre-requisite. By Permission: No. Add/Drop Deadline: December 5, 2014. LLM Students: LLM students may apply to this clinic by submitting an application. Placement Site: HLS. Students in the Harvard Negotiation and Mediation Clinical Program (HNMCP) work on advanced client matters related to negotiation, mediation, and conflict management. For example, students may assist an organization in conducting a conflict assessment, designing a dispute resolution system, assessing an ongoing set of dispute management processes, or resolving a current conflict or series of conflicts. In some instances, clinic teams design and deliver a tailored negotiation/mediation curriculum, offer strategic negotiation advice, or conduct a mediation or consensus-building session. In addition to applying the skills and concepts learned in Negotiation Workshop, students will develop a new set of skills that may include conducting interviews for stakeholder assessments, facilitating learning dialogues, running focus groups, leading teams, and presenting to clients. Each semester the clinic will offer a mix of public, private, domestic, and international projects. Recent clients include federal and state agencies, nonprofits, religious organizations, transnational corporations, small start-up companies, professional sports teams, municipalities, local government officials, and universities. Students in the clinic will have the chance to manage senior level client relationships and are asked to work through difficult concepts and problems directly with clients and their clinical supervisor. Students work in a team of 2 to 4 students, typically collaborating on single project for one client during the entire semester. By working for a single client, students have the unique chance to collaborate on a project from start to finish. For an understanding of the kinds of projects clinic students undertake, you can read about current and past clients on our website. The Negotiation Workshop is a required prerequisite for the Negotiation and Mediation Clinic. If you have questions about the clinic, feel free to email Tracy Blanchard at [tblanchard@law.harvard.edu](mailto:tblanchard@law.harvard.edu).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Health Law

**Course #:** 2107      **Term:** 2014FA      **Faculty:** Barnes, Mark      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Health Law

**Delivery Mode:** Course

### Days and Times:

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

### Location

WCCB010

WCCB010

**Course Description:** This course will cover a range of topics that are traditionally referred to as "health law," including the physician-patient relationship, informed consent, privacy and confidentiality, medical malpractice, conflicts of interest, health care financing (including Medicare, Medicaid, the Affordable Care Act, and private medical insurance law), billing fraud, public health law, regulation of drugs and devices, regulation of health professions, regulation of health facilities, and if time permits, end-of-life decision-making and reproductive health. Health law will be viewed as the principles that govern and influence the interaction of patients, payors, and providers. The textbook will be supplemented with recent scholarship and new case law.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Health Law and Policy Clinic of the Center for Health Law and Policy Innovation

**Course #:** 8033      **Term:** 2014FA      **Faculty:** Greenwald, Robert      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Health Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Public Health Law and Policy (2 fall credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS.  
Students enrolled in the Health Law and Policy Clinic will develop cutting-edge policy recommendations at the state and national levels, in both the legislative and regulatory arenas, aimed at increasing access to quality, comprehensive health care for poor and low-income individuals and families. Student projects involve informing both national and state level implementation of the Affordable Care Act, providing law and policy analysis to national and state coalitions advocating to protect Medicaid, Medicare and discretionary health and public health programs, and investigating best practices for initiatives to increase access to treatment and service programs serving vulnerable populations.  
National level work involves advising government actors and leading chronic illness and disability partnerships on health and public health reform initiatives. State level work (currently in Massachusetts, Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas) allows students the opportunity to travel to facilitate trainings and meetings with state government officials and community partners on a broad range of current health and public health concerns. (See the clinic website at [www.chlpi.org](http://www.chlpi.org) for a more in-depth description of current clinic projects.)  
  
Over the course of a semester, students gain a wealth of hands-on experience in current and emerging health law and policy issues, and develop written products such as fact sheets, in-depth reports, comment letters, testimony, presentations, and draft legislation or regulatory guidance. Students have the opportunity to develop a range of problem-solving, policy analysis, research and writing, oral communication, and leadership skills.  
Students who would like to participate in the clinic must enroll through clinical registration. Clinical placements are available for 2, 3, or 4 clinical credits. Students who enroll in the clinic will also be enrolled in the required 2-credit seminar (Public Health Law and Policy) by the Office of Clinical and Pro Bono Programs. Their enrollment in this seminar is dependent on their clinical enrollment (should they drop the clinic, they will also be dropped from the seminar). For more information about the clinic please email Professor Robert Greenwald at [rgreenwa@law.harvard.edu](mailto:rgreenwa@law.harvard.edu) or visit our clinical suite in the WCC 3130.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Health Law and Policy Clinic of the Center for Health Law and Policy Innovation

**Course #:** 8033      **Term:** 2015SP      **Faculty:** Greenwald, Robert      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Health Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Public Health Law and Policy (2 spring credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS.  
Students enrolled in the Health Law and Policy Clinic will develop cutting-edge policy recommendations at the state and national levels, in both the legislative and regulatory arenas, aimed at increasing access to quality, comprehensive health care for poor and low-income individuals and families. Student projects involve informing both national and state level implementation of the Affordable Care Act, providing law and policy analysis to national and state coalitions advocating to protect Medicaid, Medicare and discretionary health and public health programs, and investigating best practices for initiatives to increase access to treatment and service programs serving vulnerable populations.  
National level work involves advising government actors and leading chronic illness and disability partnerships on health and public health reform initiatives. State level work (currently in Massachusetts, Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas) allows students the opportunity to travel to facilitate trainings and meetings with state government officials and community partners on a broad range of current health and public health concerns. (See the clinic website at [www.chlpi.org](http://www.chlpi.org) for a more in-depth description of current clinic projects.)

Over the course of a semester, students gain a wealth of hands-on experience in current and emerging health law and policy issues, and develop written products such as fact sheets, in-depth reports, comment letters, testimony, presentations, and draft legislation or regulatory guidance. Students have the opportunity to develop a range of problem-solving, policy analysis, research and writing, oral communication, and leadership skills.  
Students who would like to participate in the clinic must enroll through clinical registration. Clinical placements are available for 2, 3, or 4 clinical credits. Students who enroll in the clinic will also be enrolled in the required 2-credit seminar (Public Health Law and Policy) by the Office of Clinical and Pro Bono Programs. Their enrollment in this seminar is dependent on their clinical enrollment (should they drop the clinic, they will also be dropped from the seminar).  
For more information about the clinic please email Professor Robert Greenwald at [rgreenwa@law.harvard.edu](mailto:rgreenwa@law.harvard.edu) or visit our clinical suite in the WCC 3130.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Health Law and Policy Clinic of the Center for Health Law and Policy Innovation

**Course #:** 8033      **Term:** 2015WI      **Faculty:** Greenwald, Robert      **Credits:** 2.00

**Type:** HLS Clinic      **Subject Areas:** Health Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Public Health Law and Policy (2 fall credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students are not eligible to apply.  
Placement Site: HLS.  
Students enrolled in the Health Law and Policy Clinic will develop cutting-edge policy recommendations at the state and national levels, in both the legislative and regulatory arenas, aimed at increasing access to quality, comprehensive health care for poor and low-income individuals and families. Student projects involve informing both national and state level implementation of the Affordable Care Act, providing law and policy analysis to national and state coalitions advocating to protect Medicaid, Medicare and discretionary health and public health programs, and investigating best practices for initiatives to increase access to treatment and service programs serving vulnerable populations.  
National level work involves advising government actors and leading chronic illness and disability partnerships on health and public health reform initiatives. State level work (currently in Massachusetts, Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas) allows students the opportunity to travel to facilitate trainings and meetings with state government officials and community partners on a broad range of current health and public health concerns. (See the clinic website at [www.chlpi.org](http://www.chlpi.org) for a more in-depth description of current clinic projects.)  
  
Over the course of a semester, students gain a wealth of hands-on experience in current and emerging health law and policy issues, and develop written products such as fact sheets, in-depth reports, comment letters, testimony, presentations, and draft legislation or regulatory guidance. Students have the opportunity to develop a range of problem-solving, policy analysis, research and writing, oral communication, and leadership skills.  
Students who would like to participate in the clinic must enroll through clinical registration. Clinical placements are available for 2 clinical credits over winter term. Students who enroll in the clinic will also be enrolled in the required 2-credit seminar (Public Health Law and Policy) by the Office of Clinical and Pro Bono Programs. Their enrollment in this seminar is dependent on their clinical enrollment (should they drop the clinic, they will also be dropped from the seminar). For more information about the clinic please email Professor Robert Greenwald at [rgreenwa@law.harvard.edu](mailto:rgreenwa@law.harvard.edu) or visit our clinical suite in the WCC 3130.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Health Law, Policy, Bioethics, and Biotechnology Workshop

**Course #:** 2652      **Term:** 2014FS      **Faculty:** Cohen, I. Glenn; Elhauge, Einer      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law

**Delivery Mode:** Seminar

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC4059

**Course Description:** Note: The credit breakdown for this seminar is as follows: two total credits with one credit awarded in the fall and one credit awarded in the spring. The first class meeting will take place on Monday, September 15, 2014.

This seminar will feature the presentation and discussion of cutting edge scholarship on health law, health policy, biotechnology and bioethics. The evaluation mechanism is that students must submit brief written comments on a number of the papers during the course. Because the papers are different every term, students can take the class as many times as they wish. This course meets 12 times total across the whole year, likely 6 times each semester, so half of the weeks will be off weeks where no workshop will take place. The course may only be taken for the full year, not for one semester. Presenters will come from a wide range of disciplines and departments, and papers may feature doctrinal, economics, philosophical, political science, or other methods, but students need not have prior training in these disciplines. To determine whether this workshop is a good fit for their interests, students are encouraged to browse the listing of papers presented in past years that can be found here:

Petrie-Flom Workshop

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Hedge Fund Law and Regulation

**Course #:** 2716      **Term:** 2014FA      **Faculty:** Mital, Manish      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Reading Group

**Days and Times:**

Thu 5:00 PM - 7:00 PM

**Location**

WCC4061

**Course Description:** Drop date: September 19, 2014

Provision of legal services to alternative investment funds and their managers, including advice concerning their formation, regulation, and management, is one of the fastest growing areas of financial legal practice. This reading group will provide an introduction to legal and regulatory issues faced by hedge funds and their managers. Through reading materials, course discussions, and guest lectures, students will gain insight into the perspective of fund managers, advisors to these managers and their funds, investors in such funds, those who transact with such funds, and those who regulate the fund industry. Specifically, this class will examine the history and background of the hedge fund industry and its current role in the global financial system; typical legal structures of hedge funds and their managers and the tax, regulatory and corporate rationales for them; the legal relationships between hedge funds and their investors and hedge funds and their counterparties; key investment strategies employed by large hedge funds and the legal issues related thereto; regulatory hot topics, including insider trading; and the future of the fund industry, its regulation, and its legal service needs. No examination or paper will be required for this credit/fail reading group.

Note: The reading group will meet on the following dates: 9/18, 10/2, 10/16, 10/30, 11/6, and 11/20.

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## History of Marriage Law

**Course #:** 2660      **Term:** 2014FA      **Faculty:** Donahue, Charles      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Legal History

**Delivery Mode:** Reading Group

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC3015

**Course Description:** Selected readings on the history of marriage law from the ancient world up to (but not including) the 20th century. Where we focus depends on the interests of the group. We could focus entirely on the ancient world or entirely on the Middle Ages, or we could survey. We'll have an organizational meeting in the first week of classes and then six two-hour sessions designed to end early in November.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Housing Law and Policy

**Course #:** 2270      **Term:** 2015SP      **Faculty:** Grossman, David; Caramello, Esme      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** This course will provide an introduction to housing law and policy through an analysis of issues facing advocates for low- and moderate-income tenants and homeowners. We will discuss government policies on public housing and subsidies; code enforcement; rent control; foreclosures and neighborhood stabilization; and the processes of abandonment and gentrification, and how these policies do or should affect the strategies employed by attorneys and activists striving for effective intervention in the lower income housing market.

The class will draw on students experiences in clinical placements (and elsewhere) as well as the perspectives of a variety of players in the housing market -- among them developers, tenants, organizers, lobbyists, judges, government officials, and a variety of practicing lawyers -- who will appear as guest panelists. A final paper will be required in lieu of an examination.

The impact of housing law and policy on real people and communities is best understood through a combination of classroom work and practice in the field. Students are therefore encouraged, in conjunction with this course, to apply for membership in the Harvard Legal Aid Bureau (during the Spring of 1L year) or to enroll in the Post-Foreclosure Eviction Defense Clinic or the Predatory Lending/Consumer Protection Clinic at the WilmerHale Legal Services Center.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Human Rights Advocacy

**Course #:** 2510      **Term:** 2014FA      **Faculty:** Giannini, Tyler; Popowski, Deborah      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

Wed 1:00 PM - 3:00 PM

**Location**

WCC5052

**Course Description:** Required Clinic Component: International Human Rights Clinic (2-4 fall credits). Students enrolled in the fall clinic must take either this course or Human Rights and the Environment. Students will be enrolled in one of these required courses by the Office of Clinical and Pro Bono Programs. Students are guaranteed a seat in one of these two required courses, but are not guaranteed their first choice. Students may enroll in only one of the two available courses.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: September 3, 2014.

LLM Students: LLM students may apply to the clinic by submitting an application.

Human rights norms and discourse are employed widely by advocates around the world in their struggles for social justice. This course explores what it means to be a human rights advocate, whether one is engaged in debates over U.S. policy at home and abroad, the role of corporations in alleged violations, or the role of rights in times of transitions from conflict. Through case studies and role plays, this seminar examines the various dimensions and limitations of human rights advocacy, including strategic, ethical, and tactical challenges. What are the different ways that human rights can be used? In developing strategies for effecting meaningful change, how do advocates decide which tactics to use and when? The goal is for students to develop core advocacy skills while thinking critically about their work. To that end, the seminar engages seriously with the major critiques and dilemmas faced by human rights advocates, in particular by lawyer-advocates from the Global North. The seminar also grapples with the limits of established approaches of the movement such as litigation naming and shaming, and explores community lawyering and human rights. How do we engage without perpetuating power differentials along geopolitical, class, race, gender, and other lines? How do we find ways to work in collaboration with directly affected communities and movements? In addition to case studies, students workshop and reflect on their participation in supervised clinical projects, which include fact-finding investigations, media work, negotiations, advocacy, and litigation. Critical reflection will not be the end, but rather the means to find responsible ways of advancing justice. A fall clinical practice component is required of all students. Clinical placements are with the International Human Rights Clinic.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Human Rights Advocacy

**Course #:** 2510      **Term:** 2015SP      **Faculty:** Farbstein, Susan; Delgado, Fernando      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 1:00 PM - 3:00 PM

### Course Description:

Required Clinic Component: International Human Rights Clinic (2-4 spring credits). Students enrolled in the spring clinic must take either this course or Combating the Human Costs of Armed Conflict. Students will be enrolled in one of these required courses by the Office of Clinical and Pro Bono Programs. Students are guaranteed a seat in one of these two required courses, but are not guaranteed their first choice. Students may enroll in only one of the two available courses.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: January 16, 2015.

LLM Students: LLM students may apply to the clinic by submitting an application.

Advocates around the world employ human rights law in struggles for social justice. While human rights law imposes standards on an astonishing range of issues; corporate accountability in South Africa, transitional justice in Burma, healthcare in Brazil, criminal justice in the United States, immigration policy in Europe and beyond, advocates nonetheless face a host of challenges and dilemmas when seeking to translate law into positive sustainable change.

This seminar explores what it means to be a human rights advocate, with an emphasis on the role of lawyers. Through case studies, role plays, and guided discussion, the course examines key ethical, strategic, and legal dimensions of human rights work. Students grapple with tough questions that confront every human rights practitioner, including: How can human rights be harnessed to successfully influence and change behavior? What are appropriate responses to critiques of the human rights movement? What does responsible, effective human rights advocacy look like? How does one engage without perpetuating power differentials along geopolitical, class, race, gender, and other lines? How does an advocate forge partnerships with individuals and communities directly affected by abuse?

This course is designed to encourage students to critically evaluate the human rights movement while learning core advocacy, litigation, and problem-solving skills to responsibly advance social justice. Case studies explore fundamental choices advocates face. Students workshop and reflect on their participation in supervised clinical projects, which provide rich material for discussions about skills such as fact-finding, media outreach, negotiations, advocacy, constituency-building, and litigation. Students also consider a series of dynamics (e.g., north/south, insider/outsider, donor/donee, lawyer/non-lawyer) that influence how and why advocacy is formulated and received. Finally, the seminar considers the limits of the human rights paradigm and its established methodologies, such as litigation, naming and shaming, and looks at alternative sources and forms of advocacy, including the role of community lawyering in the human rights context.

A spring clinical practice component is required of all students. Clinical placements are with the International Human Rights Clinic.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Human Rights and the Environment

**Course #:** 2402      **Term:** 2014FA      **Faculty:** Docherty, Bonnie      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Environmental Law; Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC4063

**Course Description:** Required Clinic Component: International Human Rights Clinic (2-4 fall credits). Students enrolled in the fall clinic must take either this course or Human Rights Advocacy (fall). Students will be enrolled in one of these required courses by the Office of Clinical and Pro Bono Programs. Students are guaranteed a seat in one of these two required courses, but are not guaranteed their first choice. Students may enroll in only one of the two available courses. Additional Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: September 3, 2014. LLM Students: LLM students may apply to the clinic by submitting an application.

Over the past half century, human rights law and environmental law have made great strides largely independently of one another. This clinical seminar will explore a growing field that seeks to bring the two together. Students will examine how the separate legal frameworks intersect and analyze the strategic advantages and disadvantages of linking them. In some circumstances, environmental protection and human rights promotion benefit each other, while in others, these two worthy causes can be at odds.

Through local and global case studies, students will discuss the use of law to address contemporary issues such as climate change, conservation, environmental justice, extractive industries, the protection of indigenous peoples, and environmental harm caused by armed conflict. They will consider: How should one deal with situations where the interests of human rights and the environment compete? What is the proper balance between addressing present generation's needs and protecting future generations interests? Should advocates rely on traditional legal principles or promote emerging rights, for example, the right to a healthy environment? Can currently distinct branches of law inform creation of new law with both humanitarian and environmental benefits?

While learning about this field, students will also build advocacy skills by doing fact-finding, media, and treaty negotiation role plays. A fall clinical practice component in the International Human Rights Clinic is required of all students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Human Rights in the UN Treaty Bodies

**Course #:** 2343      **Term:** 2014FS      **Faculty:** Neuman, Gerald; Roseman, Mindy      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** This advanced seminar will focus on selected topics relating to the work of the UN human rights treaty bodies, especially the Human Rights Committee (of which the instructor is currently a member). Topics vary from year to year, but may include such subjects as arbitrary detention, religious exemptions, military trials, forced evictions, "hate speech," rights of persons with disabilities, and international monitoring procedures. The seminar will meet six times each semester, in two-hour sessions. Grading will be based on class participation and a series of short reaction papers.

The seminar is required for LL.M. students in the LL.M. human rights concentration. Participation by J.D. students is also encouraged. Students who have taken an introductory course in international human rights at HLS (either Prof. Neuman's course or the 1L human rights course) have satisfied the prerequisite for permission to enroll; other students who have not done so but believe that they have equivalent preparation, may seek the instructor's approval. Auditing will not be permitted.

Prerequisite: Instructor permission is required for all students, partly as a matter of logistics.

Note: The credit breakdown for this seminar is as follows: two total credits with one credit awarded in the fall and one credit awarded in the spring.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Immigration and Refugee Advocacy

**Course #:** 2115      **Term:** 2014FA      **Faculty:** Anker, Deborah      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC3036

**Course Description:** Required Clinic Component: Harvard Immigration and Refugee Clinic (2-4 fall credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: LLM students may apply to the clinic by submitting an application.  
This seminar is for participants in the fall Immigration and Refugee Clinic and addresses substantive national and international refugee law, as well as advocacy skills relevant to students work at the clinic. The substantive portion of the seminar will provide an overview of international and domestic refugee law. It will examine selected topics typically encountered in the course of students casework in greater detail. Specific topics may include: The Refugee Convention and U.S. Law, Persecution and the Human Rights Paradigm, Issues of Credibility and Proof, and Gender-Based Asylum Claims. The skills component of the seminar will cover such areas as effective client interviewing, affidavit writing, cross-cultural lawyering, conducting immigration and human rights research, and preparation of cases and client testimony. In order to cultivate best practices in student advocacy and deepen the clinical experience, this seminar draws heavily for instructional examples on current clinical experiences of students (their actual cases and clients). It will also allow students to connect their understanding of refugee law and lawyering skills to actual casework through consideration of specific issues of doctrine and policy implicated by students cases. Students will have the opportunity to critically reflect on their experiences, models of advocacy, and social change. A clinical practice component is required of all students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Immigration and Refugee Advocacy

**Course #:** 2115      **Term:** 2015SP      **Faculty:** Ardalan, Sabrineh      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Required Clinic Component: Harvard Immigration and Refugee Clinic (2-4 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to the clinic by submitting an application.  
This seminar addresses substantive national and international refugee law as well as advocacy skills relevant to students work at the clinic. The substantive portion of the seminar will provide an overview of international and domestic refugee law. It will examine selected topics typically encountered in the course of students casework in greater detail. Specific topics may include: The Refugee Convention and U.S. Law, Persecution and the Human Rights Paradigm, Issues of Credibility and Proof, and Gender-Based Asylum Claims. The skills component of the seminar will cover such areas as effective client interviewing, affidavit writing, cross-cultural lawyering, conducting immigration and human rights research, and preparation of cases and client testimony. In order to cultivate best practices in student advocacy and deepen the clinical experience, this seminar draws heavily for instructional examples on current clinical experiences of students (their cases and clients). It will also allow students to connect their understanding of refugee law and lawyering skills to actual casework through consideration of specific issues of doctrine and policy implicated by students cases. Students will also have an opportunity to critically reflect on their experiences, models of advocacy, and social justice.

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## Immigration Law

**Course #:** 2466      **Term:** 2015SP      **Faculty:** Chacón, Jennifer      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

**Course Description:** This course will examine many aspects of federal immigration law including the criteria for admission to the United States on a temporary or permanent basis, the grounds and process of removal, the constitutional status of foreign nationals, the functions of relevant administrative agencies, the role of the courts in ensuring the legality of official action, and a brief introduction to refugee law. Course coverage will encompass historical and contemporary immigration law and will involve detailed review of statutory and regulatory material.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Immigration Law: Policy and Social Change

**Course #:** 2116      **Term:** 2015SP      **Faculty:** Anker, Deborah      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** This course touches upon the major policy debates currently surrounding immigration reform and policy. This course will survey social changes and developments in immigration law over the last few decades, including the emergence and role of social change movements. Topics will include the intersection of immigration law and criminal law, national security, labor rights, border security, and state and local enforcement as well as refugee and asylum policy and other topics. The course will bring leading immigration and refugee advocates, scholars and policy-makers into the classroom, engaging students in important debates about what immigration policy should be. The course will meet for two hours. Course requirements will consist of active participation, comments on the readings via blog posts, and a final exam.

The class will conclude with a 3-hour exam in which students will reflect and expand on a specific immigration topic from the course.

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## Indigenous Peoples in International Law

**Course #:** 2643      **Term:** 2015SP      **Faculty:** Graham, Lorie      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** In 2007, the U.N. General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples. This ushered in a new era in Indigenous/State relations, with the international community overwhelmingly adopting a human rights-based approach to Indigenous Peoples' issues. How did we reach this point in Indigenous/State relations and what does the Declaration signify for Indigenous Peoples' rights in the future? This reading group will explore these and other related topics, such as the meaning of self-determination under international law and how indigenous rights are redefining this important human rights norm. The primary readings will be from *Indigenous Peoples in International Law* (Oxford Press) and *International Human Rights and Indigenous Peoples* (Aspen Elective Series). We will also consider cases filed with regional and international human rights bodies (such as the Inter-American Commission on Human Rights and the UN Special Rapporteur on the Rights of Indigenous Peoples) and explore how this advocacy is shaping the normative expression of rights under the Declaration and international law generally. The class will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Innovation in Legal Education and Practice

**Course #:** 2689      **Term:** 2015SP      **Faculty:** Westfahl, Scott      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Innovation in Legal Education and Practice will have students work in small teams to develop proposals for innovations in either legal education or legal practice. The course will begin with team dynamics and preparing the teams to innovate together. The course will draw upon expertise from other disciplines around design innovation, including psychology and neuroscience. The goal is to understand what makes for well functioning teams and how such teams can more quickly and more effectively reach innovative breakthroughs. The second phase of the course will focus on providing support for the teams through a variety of experts on legal education and legal practice. We will have informational sessions about various innovations happening in the law to help give context. Finally, as students develop focus for their projects, the faculty will actively coach them and provide them with learning around how to build and present an effective business proposal. Students will be challenged at the end of the semester to present their proposals in an interactive forum to panels of expert judges.

Presentations at the end of the course will be judged on the following criteria: innovation, practicality, impact, and quality of presentation. Students will also receive professional feedback on their ideas.

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## Inside Government: Making Public Policy

**Course #:** 2623      **Term:** 2015SP      **Faculty:** Sunstein, Cass; Summers, Lawrence      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This seminar will explore an assortment of issues, ranging from environmental regulation (including climate change) to financial regulation to public health, at the intersection of theory and practice. Among other things, the seminar will discuss the role of cost-benefit analysis, legal limits on regulation, and both standard and behavioral economics.

Prerequisite: Instructor permission is required. Please send a statement of interest and your resume to Kevin Doyle at (kdoyle@law.harvard.edu) by Friday, October 31.

Note: This course is jointly-listed with HKS and FAS.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Insurance Law

**Course #:** 2356      **Term:** 2014FA      **Faculty:** Hay, Bruce      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

**Location**

PND102

PND102

**Course Description:** This course gives students a working knowledge of the law of insurance, a key part of the toolkit for both litigation and transactional lawyers, as well as a growing practice area in its own right. Subjects covered include the nature and functions of insurance; the design, interpretation, and regulation of insurance contracts; property, health, life, and other forms of first-party insurance; liability insurance for individuals, firms, and nonprofits; national and international insurance markets. The course gives equal emphasis to theory, policy, and practice.

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## Intellectual Property and Innovation

**Course #:** 2693      **Term:** 2015SP      **Faculty:** Golden, John      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Seminar

**Days and Times:**

Wed 7:00 PM - 9:00 PM

**Location**

**Course Description:** This seminar explores the nature of intellectual property (IP) laws, ways in which these laws might help or hinder innovation, and potential reforms to improve legal content or performance. Assigned readings will include IP-related articles or excerpts from a variety of scholars. Each student will be expected (1) to participate in class discussion; (2) to complete short writing assignments of a couple hundred words that respond to assigned readings; (3) to write a term paper; (4) to provide written comments on a classmate's draft term paper; and (5) to make an in-class presentation of the student's own paper project.

Neither technical training nor any specific course is a prerequisite.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## International and Comparative Law Workshop

**Course #:** 2129      **Term:** 2014FA      **Faculty:** Alford, William; Rabb, Intisar      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

HAU102

**Course Description:** This class is intended to provide students with the opportunity to engage scholarly writing in international and comparative law, by bringing to the workshop authors of some of the most interesting new work in this field. Generally, our speakers will present work in progress. Students will be required to submit brief "reflection" pieces commenting on the papers to be discussed and will also have the opportunity to engage in dialogue with our guests. Some sessions will be reserved for meetings for enrolled students and the instructor.

There are no prerequisites but the workshop is principally intended for students who are thinking about a career in academe.

Everyone wishing to take this course -- including those on any waiting list or considering adding it - MUST attend the first session. If you are on the waitlist and do not attend the first session, you will not be able to add into this course.

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## International Commercial Arbitration

**Course #:** 2122      **Term:** 2015SP      **Faculty:** Klaas, Paul      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

Mon 1:00 PM - 3:00 PM

**Location**

**Course Description:** This seminar will introduce you to the history, philosophy, advantages, disadvantages, procedures, and ethics of international commercial arbitration -- an increasingly important and common means of resolving disputes between citizens or companies from different countries -- with an emphasis on current cases and practical applications. We will study differences between international commercial arbitration and domestic litigation/arbitration, national arbitration statutes, agreements to arbitrate, arbitral jurisdiction, procedural rules, discovery/disclosure, hearings, evidence, arbitral awards, enforcement of awards, and ethical issues arising for both advocates and arbitrators.

Prerequisite: For JD1Ls only, you must seek faculty permission to enroll in this seminar. This prerequisite does not apply to upper-level JDs or LLM students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## International Commercial Arbitration

**Course #:** 2122      **Term:** 2015WI      **Faculty:** Beckett, Mark; Tan, Daniel      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 4:15 PM

Tue 1:00 PM - 4:15 PM

Wed 1:00 PM - 4:15 PM

Thu 1:00 PM - 4:15 PM

Fri 1:00 PM - 4:15 PM

### Location

### Course Description:

This course provides a rigorous introduction to the field of international commercial arbitration, which has become the default means of settling international disputes. The course will deal with the internationalist elements of the subject matter, but will also examine international commercial arbitration from an American perspective. Students can expect to review both foreign and US commentaries, statutes and case law on the subject. The course will comprise of five main topics: (1) an introduction to the field of international commercial arbitration; (2) the agreement to arbitrate; (3) the arbitrators; (4) the arbitration process; and (5) the arbitral award. The course will also cover in brief the law of foreign investment and the pivotal role of arbitration both in resolving disputes and developing the law in that area.

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## International Criminal Law

**Course #:** 2455      **Term:** 2015SP      **Faculty:** Whiting, Alex      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Criminal Law & Procedure; International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

### Location

### Course Description:

This course will focus on the prosecution of international crimes (genocide, crimes against humanity, war crimes, aggression, torture, and terrorism) by international and national courts. We will study the development of the law of these crimes -- including the elements of crimes, modes of liability, and defenses -- as well as the institutional, political, strategic, logistical and procedural challenges faced by prosecutors, defense lawyers, and judges who adjudicate these crimes. The ambition of the course will be to understand the law and its development, as well as the dynamic application of the law in the courts that pursue these cases.

Public international law is helpful but is not a prerequisite.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## International Criminal Law: Theoretical Perspectives

**Course #:** 2709      **Term:** 2015SP      **Faculty:** Moyn, Samuel      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Criminal Law & Procedure; International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** In this reading group we will examine how thinkers since the Nuremberg Trials have tried to come to grips with the rise of international criminal law. Hannah Arendt is the best known of these thanks to her Eichmann in Jerusalem, but we will also read and discuss a series of others who help reconsider the aims of this body of law. While our discussions will focus on the texts, they will also draw implications for current developments, including at the International Criminal Court and other tribunals.

Note: The reading group will meet on the following dates: TBD.

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## International Environmental Law

**Course #:** 2123      **Term:** 2015WI      **Faculty:** Salzman, James      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Environmental Law; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:00 PM - 4:30 PM

Thu 1:00 PM - 4:30 PM

Fri 1:00 PM - 4:30 PM

**Course Description:** This course explores the economic, political, and legal concepts relevant to international efforts to promote environmental protection. After laying a foundation in the nature of international law, institutions and the challenges of sustainable development, the course addresses concrete regimes designed to deal with specific international environmental problems, such as ozone depletion, marine pollution, fisheries depletion, biodiversity loss and, of course, climate change, among others. The course focuses principally on the dynamic of treaties, negotiations, and state and non-state actors on the international plane, with some discussion of the interplay between domestic legislation and international protection efforts.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## International Finance

**Course #:** 2124      **Term:** 2015SP      **Faculty:** Scott, Hal      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

### Location

**Course Description:** This course focuses on how law and regulation affects international finance. It examines policies and regulation affecting cross-border banking and securities transactions in the three major markets, the United States, the European Union and Japan. In the U.S. the focus is on how post-Enron capital market regulation affects foreign firms, in the E.U. on continuing efforts to build integrated financial markets, and in Japan on the role of foreign firms in rebuilding the Japanese financial system after the "lost decade." The course also looks at the infrastructure that underlies the global financial system--the U.S. dollar payment system, the Basel Capital Accord, global standards for the clearing and settlement of securities, and rules for different exchange rate regimes. In addition, the course deals with offshore markets--like the Euromarkets and various derivatives markets (including the securitized markets impacted by the subprime crisis), as well as global competition between stock and derivatives exchanges and some key aspects of the emerging markets, for example sovereign debt and project finance. The course ends with an examination of how the international financial system has been regulated to control the financing of terrorism.

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## International Human Rights

**Course #:** 2126      **Term:** 2014FA      **Faculty:** Neuman, Gerald      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

### Location

HAU104

HAU104

**Course Description:** This course provides a general introduction to the law, theory, and practice of internationally recognized human rights. The course is designed to provide students with an informed and critical perspective on international instruments and institutions (including the UN Human Rights Committee, of which the instructor is currently a member), and domestic legal arrangements relating to the articulation and implementation of human rights. Topics will include the historical origins of modern human rights law; connections between civil, political, social, and economic rights; and global, regional, and national methods of implementation and enforcement.

Prior courses in public international law and U.S. constitutional law would be helpful but are not required. The examination will be in-class and open book/laptop.

Note: This course will meet for nine weeks, at four hours per week, rather than twelve weeks at three hours per week.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## International Human Rights Clinic

**Course #:** 8021      **Term:** 2014FA      **Faculty:** Giannini, Tyler; Farbstein, Susan      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Required Class Component: Students in the fall clinic must enroll in either Human Rights Advocacy (2 fall credits) or Human Rights and the Environment (2 fall credits). Students who enroll in the fall clinic will be enrolled in one of the required courses by the Office of Clinical and Pro Bono Programs. Students are guaranteed a seat in one of these two required courses, but are not guaranteed their first choice. Students may enroll in only one of the two available courses. Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: September 3, 2014.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: HLS.

Through the International Human Rights Clinic, students merge theory with practice and learn core skills necessary to become effective and thoughtful human rights advocates. Students work on pressing and timely human rights problems around the world, in collaboration with leading international and local human rights organizations. Those in the Clinic have the opportunity to explore a range of approaches to advancing the interests of clients and affected communities. For example, students interview survivors and document abuse; undertake legal, factual, and strategic analysis; and interact with media to build campaigns and message on human rights--all under the close supervision of the Clinics expert human rights practitioners. Students work in small teams on a variety of human rights projects and cases. When appropriate, students travel to investigate abuses or pursue advocacy outside Cambridge, participate in sessions before intergovernmental bodies and arguments before courts, and formulate policy to promote respect for human rights principles and the rule of law. In any given term, the Clinic delves into a wide range of issues, including extrajudicial executions, torture, and criminal justice; the unlawful use of cluster munitions and other weapons; civilian protection in armed conflict; sexual and reproductive rights; human rights and the environment; business and human rights; the role of health professionals in torture; Alien Tort Statute litigation; transitional justice; civil and political rights; economic, social, and cultural rights; and many more. Our clinicians have expertise in numerous regions and countries, including in Latin America, Southern Africa, Eastern and Central Europe, the Middle East, Southeast Asia, and the United States. This wide range of skills, as well as thematic and geographic knowledge, exposes students to a variety of strategies and innovative techniques for promoting and protecting human rights.

Fall clinic students must take either Human Rights Advocacy (2 fall credits) OR Human Rights and the Environment (2 fall credits). While each course is focused on a particular subject matter, both teach the key skills of human rights practitioners and include simulations and role plays related to fact-finding and field investigations, media work, and/or negotiation and legislative work.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## International Human Rights Clinic

**Course #:** 8021      **Term:** 2015SP      **Faculty:** Giannini, Tyler; Farbstein, Susan      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Required Class Component: Students in the spring clinic must enroll in either Human Rights Advocacy (2 spring credits) or Combating the Human Costs of Armed Conflict (2 spring credits). Students who enroll in the spring clinic will be enrolled in one of the required courses by the Office of Clinical and Pro Bono Programs. Students are guaranteed a seat in one of these two required courses, but are not guaranteed their first choice. Students may enroll in only one of the two available courses.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: January 16, 2015.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: HLS.

Through the International Human Rights Clinic, students merge theory with practice and learn core skills necessary to become effective and thoughtful human rights advocates. Students work on pressing and timely human rights problems around the world, in collaboration with leading international and local human rights organizations. Those in the Clinic have the opportunity to explore a range of approaches to advancing the interests of clients and affected communities. For example, students interview survivors and document abuse; undertake legal, factual, and strategic analysis; and interact with media to build campaigns and message on human rights--all under the close supervision of the Clinics expert human rights practitioners. Students work in small teams on a variety of human rights projects and cases. When appropriate, students travel to investigate abuses or pursue advocacy outside Cambridge, participate in sessions before intergovernmental bodies and arguments before courts, and formulate policy to promote respect for human rights principles and the rule of law. In any given term, the Clinic delves into a wide range of issues, including extrajudicial executions, torture, and criminal justice; the unlawful use of cluster munitions and other weapons; civilian protection in armed conflict; sexual and reproductive rights; human rights and the environment; business and human rights; the role of health professionals in torture; Alien Tort Statute litigation; transitional justice; civil and political rights; economic, social, and cultural rights; and many more. Our clinicians have expertise in numerous regions and countries, including in Latin America, Southern Africa, Eastern and Central Europe, the Middle East, Southeast Asia, and the United States. This wide range of skills, as well as thematic and geographic knowledge, exposes students to a variety of strategies and innovative techniques for promoting and protecting human rights.

Spring clinic students must take either Human Rights Advocacy (2 spring credits) OR Combating the Human Cost of Armed Conflict (2 spring credits). While each course is focused on a particular subject matter, both teach the key skills of human rights practitioners and include simulations and role plays related to fact-finding and field investigations, media work, and/or negotiation and legislative work.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## International Humanitarian Law/Laws of War

**Course #:** 2296      **Term:** 2014FA      **Faculty:** Modirzadeh, Naz      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

### Location

PND100

PND100

**Course Description:** As public and media interest in the law of armed conflict has seemed to grow tremendously in the last decade, and as ostensibly instant access to information brings the world closer than ever to developments on the front lines, how (if at all) has our approach to centuries'-old law-of-war norms changed? This course will explore international law applicable during situations of armed conflict, often referred to as international humanitarian law (IHL) or the law of armed conflict (LOAC). After examining foundational doctrines and concepts, we will explore some of the foremost contemporary challenges in IHL, including direct participation of civilians in hostilities; the interplay between international human rights law, international criminal law, and the law of armed conflict; and the relationship between the legal framework governing terrorism and international humanitarian law. We will investigate such questions as how does international law regulate the means and methods of warfare, protection of civilians, and humanitarian access in situations of armed conflict? How does international law classify and regulate different categories of armed conflict, and how does it distinguish armed conflicts from other situations of organized armed violence? And how does the law seek to balance principles of military necessity and humanity?

There are no formal pre-requisites, but public international law is recommended.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## International Law and Human Rights

**Course #:** 1016      **Term:** 2015SP      **Faculty:** Moyn, Samuel      **Credits:** 4.00

**Type:** 1L International Comparative Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

**Course Description:** This course surveys a selection of topics in contemporary human rights law, with attention to broader concepts in international law, as well as to cognate fields like international criminal and international humanitarian law. A consistent focus is how the United States relates to the international human rights system -- and how, conversely, that system impinges on diverse areas of American law and policy. The course also takes up the ways in which both the international system and the rights jurisprudence of other countries might differ from approaches in American law, as for example in socioeconomic rights adjudication or the regulation of religious practice.

Note: This is one of the 1L required international or comparative courses and is only available to HLS first-year and LLM students.

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## International Trade Law

**Course #:** 2132      **Term:** 2015SP      **Faculty:** Wu, Mark      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** This course focuses on the law governing international trade as established by the World Trade Organization. It engages in an in-depth analysis of WTO rules and case law. The class will examine the strengths and weaknesses of the existing regime and discuss the difficulties in reforming the system. Besides focusing on the basic principles governing trade in goods and services, the course will also examine specialized areas such as technical standards, agriculture, food safety, environment, and intellectual property. In addition, the course will focus on the geopolitical tensions between major trading powers, particularly with respect to the US, EU, and emerging powers (China, India, Brazil). Students will participate in a mock simulation of a multilateral trade round.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## International Trade Law and Development

**Course #:** 1018      **Term:** 2015SP      **Faculty:** Thomas, Chantal      **Credits:** 4.00

**Type:** 1L International  
Comparative  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

### Location

**Course Description:** This course focuses on the intersection of two key objectives of the international order and international economic law: the promotion of central rules and policies for the stabilization and liberalization of international trade; and the encouragement of economic growth and development in poor countries.

The first part of the course focuses on the primary multilateral trade body, the World Trade Organization (WTO), and its predecessor, the General Agreement on Tariffs and Trade (GATT). The second part of the course focuses on trade regimes affecting particular regions of the developing world, with special emphasis on U.S. trade law and policy in respect of those regions.

Note: This is one of the 1L required international or comparative courses and is only available to HLS first-year and LLM students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Internet & Society: The Technologies and Politics of Control

**Course #:** 2728      **Term:** 2015WI      **Faculty:** Zittrain, Jonathan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Legal & Political Theory

**Delivery Mode:** Course

### Days and Times:

Mon 4:15 PM - 6:15 PM

Tue 4:15 PM - 6:15 PM

Wed 4:15 PM - 6:15 PM

Thu 4:15 PM - 6:15 PM

### Location

**Course Description:** This course offers an intensive introduction to the field of cyberlaw. We will investigate the evolving nature of online architecture and activities, and the ways in which the legal toolbox has been, and will be, leveraged to influence them.

Course themes include the complex interaction between Internet governance organizations and sovereign states, the search for balance between the ease of disseminating information online and the interest of copyright holders, privacy advocates, and others in controlling that dissemination, and the roles of intermediaries and platforms in shaping what people can and cannot do online. By application. Please note special compressed meeting times. No prerequisites.

Please note: The course will run from Sunday, January 4, 2015 to Friday, January 16, 2015 at Stanford Law School. It will comprise 10 students from Stanford Law School and 10 students from Harvard Law School, including any cross-registrants from other Stanford or Harvard schools. There will be an opening Sunday set of activities; one approximately two-hour session every Monday-Thursday within that period (4:15-6:15pm); and potentially one Saturday session, including field trips. Students enrolled in the course from both schools will be selected through an application process. Harvard students will receive funds to assist with travel and accommodations.

The application can be found at <http://brk.mn/InternetandSociety>, and is due at 11:59 p.m. on Friday, October 10, 2014.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Internet and Society

**Course #:** 2588      **Term:** 2014FA      **Faculty:** Nesson, Charles      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

**Days and Times:**

Wed 1:00 PM - 2:30 PM

Thu 1:00 PM - 2:30 PM

**Location**

WCC3019

WCC3019

**Course Description:** Our class will engage in understanding and building a public realm in cyberspace. Dedicated to the memory of Aaron Swartz, we will consider the history of the Internet, its generative capacity for expanding our public realm, public access to open knowledge, and Internet-mediated civic engagement and political participation. Readings will range from Neuromancer and Snowcrash to Benkler, on the Economics of Networks. There will be a workshop component to the class in the model pioneered by Professor Fishers CopyrightX, with students in the class also serving as discussion leaders of satellite discussion groups.

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## Interpreting the Constitution

**Course #:** 2721      **Term:** 2014FA      **Faculty:** Sunstein, Cass      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Reading Group

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC5050

**Course Description:** This reading group will investigate the question: How should we interpret the Constitution of the United States? Major answers, both past and present, will be investigated.

Note: This reading group will meet on the following dates: 9/9, 9/23, 10/7, 10/21, 10/28, 11/25.

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## Introduction to Accounting

**Course #:** 2133      **Term:** 2014FA      **Faculty:** Dharan, Bala      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

PND101

**Course Description:** This 1-credit module fall course is designed to help students develop an understanding of the accounting information presented in corporate financial statements. Students will learn the basics of how financial statements are prepared to capture the financial effects of management decisions, and how accounting information is used to aid management decisions on performance measurement and valuation. The course will be relevant for students in the Law and Business program of study, and to others who wish to learn the basic language of financial reports and their use in capital markets, corporate transactions, commercial litigation, mergers and acquisitions, and other related areas.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Introduction to Advocacy: Skills and Ethics in Clinical Practice

**Course #:** 2134      **Term:** 2014FS      **Faculty:** Grossman, David; Caramello, Esme      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

### Location

WCC3016

### Course Description:

Required Clinic Component: Harvard Legal Aid Bureau 2L (3 fall credits + 3 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: Evidence. Students must enroll in Evidence separately from clinic enrollment.

By Permission: Yes. Applications are due to the clinic by March 16, 2014.

Add/Drop Deadline: July 25, 2014.

LLM Students: LLM students are not eligible to enroll.

Multi-Semester: This is a fall-spring course (1 fall credit + 1 spring credit).

This course introduces students to civil law practice and is required for all 2L members of the Harvard Legal Aid Bureau. Student practice experience at the Bureau is the primary material for all class meetings and discussions. The goals of the course are: (1) to provide a strong foundation for developing lawyering skills; (2) to enhance student understandings of what lawyers do, with particular attention to professional role, values, and ethics; and (3) to develop skills of peer and self-assessment so that students will have the ability to continue to learn in practice after law school. The majority of class meetings will focus on specific lawyering tasks such as client counseling and interviewing, investigation of claims, negotiation, and argument and case presentation. With respect to each skill studied, attention will be paid to the ethical, relational, strategic, and tactical issues involved. Additional class sessions, led by Bureau Clinical Instructors, will provide opportunities for analysis of the substantive and procedural law applicable to the students clinical practice; development of litigation skills through role-play exercises; and rounds of discussions of challenging issues in the students casework.

There will be no examination, but students will be expected to complete a series of reflection papers and a project or paper that addresses an ethical or professional issue in their casework or that arises in the weekly class meetings or course readings.

Enrollment in this course is restricted to 2L Harvard Legal Aid Bureau members. HLAB members in their 2L year in 2014-2015 will automatically be enrolled in this course once HLAB membership is finalized.

The classroom component of this clinical course satisfies the Law Schools professional responsibility requirement.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Introduction to Finance Concepts 3-Day Section

**Course #:** 2537      **Term:** 2014FA      **Faculty:** Dharan, Bala      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Thu 1:00 PM - 5:00 PM

Fri 1:00 PM - 5:00 PM

Sat 10:00 AM - 2:00 PM

### Location

LAN225

LAN225

LAN225

**Course Description:** Drop deadline: September 5, 2014

This 1-unit course is designed to provide students with no prior course work in finance an introduction to core concepts of corporate finance. The course will meet over three days (Thursday, September 4, Friday, September 5 and Saturday, September 6) in the week prior to the fall term classes so that students can equip themselves with an understanding of the basic concepts and terminology of corporate finance before taking courses such as Corporations.

The following topics will be introduced: time value of money, discounted cash flow analysis for investment decisions and valuation of securities, market efficiency concept and implications, basic asset pricing models and beta as a measure of risk, cost of capital, and introduction to basic financial statements.

The course will be graded on a Pass-Fail basis.

Note: The course will meet on Thursday, September 4 and Friday, September 5 from 1 - 5pm and on Saturday, September 6 from 10am - 2pm.

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## Introduction to Finance Concepts 3-Week Section

**Course #:** 2537      **Term:** 2014FA      **Faculty:** Dharan, Bala      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 5:00 PM - 7:00 PM

Tue 5:00 PM - 7:00 PM

### Location

WCC1019

WCC1019

**Course Description:** This 1-unit course is designed to provide students with no prior course work in finance an introduction to core concepts of corporate finance. The course will meet over the first three weeks of the term so that students can equip themselves with an understanding of the basic concepts and terminology of corporate finance before taking courses such as Corporations.

The following topics will be introduced: time value of money, discounted cash flow analysis for investment decisions and valuation of securities, market efficiency concept and implications, basic asset pricing models and beta as a measure of risk, cost of capital, and introduction to basic financial statements.

The course will be graded on a Pass-Fail basis.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Introduction to Finance Concepts 3-Week Section

**Course #:** 2537      **Term:** 2015SP      **Faculty:** Dharan, Bala      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

### Location

### Course Description:

This 1-unit course is designed to provide students with no prior course work in finance an introduction to core concepts of corporate finance. The course will meet over the first three weeks of the term so that students can equip themselves with an understanding of the basic concepts and terminology of corporate finance before taking courses such as Corporations.

The following topics will be introduced: time value of money, discounted cash flow analysis for investment decisions and valuation of securities, market efficiency concept and implications, basic asset pricing models and beta as a measure of risk, cost of capital, and introduction to basic financial statements.

The course will be graded on a Pass-Fail basis.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Introduction to Islamic Law

**Course #:** 2538      **Term:** 2014FA      **Faculty:** Rabb, Intisar      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

### Location

HAU102

HAU102

**Course Description:** This course will survey Islamic law in historical and comparative modern contexts. Historically, the term Islamic law (shariʿa), refers to a diverse set of legal rules and concepts that developed within institutional structures quite different from those of the modern nation-state. The replacement of those traditional models with foreign models in the 18th century—mostly from English, French, and Dutch colonial powers—meant the introduction of new governmental and constitutional structures in the modern Middle East and larger Muslim world. Now in the 20th and 21st centuries, including developments that follow the 2010 Arab uprisings, many Muslim-majority countries have established Islamic law as a source of state law in their constitutions. These developments raise fundamental questions about issues of legality, authority, and institutional development in the legal systems of the Muslim world, past and present. This course will initially focus on Islamic law in the context of comparative law and legal history, to provide (a) a basic introduction to the sources and methods of classical Islamic legal interpretation, (b) a backdrop for assessing the appeal to and re-assertion of Islamic law today in select countries. It will then survey the most pressing areas in which traditional Islamic norms remain relevant today—criminal law, family law, and commercial law; it will also survey the developments and new constitutional controversies in the public law spheres in Egypt, Tunisia, and other countries in transition after the 2010 Arab uprisings.

This course aims to provide students with an introduction to the sources, nature and function of Islamic law in historical context; as well as to offer a framework for thinking about social realities and institutional structures that help shape Islamic law and explain legal change in Islamic law contexts. This course also aims to encourage comparative legal analysis to assess generalizations about law typically formulated with respect to Western legal traditions. Finally, for those taking the class who opt to do a paper, the course is designed to provide an opportunity to conduct in-depth research on a single issue of Islamic law or theory, to write a scholarly paper on that issue, and to discuss and receive feedback on works-in-progress. There are no prerequisites.

Note: This course is jointly-listed with FAS (History department.)

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Introduction to Japanese Law

**Course #:** 2136      **Term:** 2015SP      **Faculty:** Ramseyer, J. Mark      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

**Location**

**Course Description:** This course is designed to introduce the non-specialist law student to major features of the Japanese legal system. The course attempts to integrate the structures, processes, and personnel of the Japanese legal system with other features of Japanese society and history. Topics covered include (but are not limited to): Litigations and extra-judicial settlement, the legal services industry, economic regulation, criminal procedure, and constitutional litigation.

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## Islamic Law and Human Rights

**Course #:** 2726      **Term:** 2015SP      **Faculty:** Stilt, Kristen      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

**Course Description:** This seminar will address difficult questions in the contemporary world at the intersection of human rights law and some interpretations of Islamic law. Topics to be examined include religious freedom, free expression, sexual relations and sexuality, gender equality, the rights of children, and public dress and behavior. The seminar will focus on how human rights organizations-international, regional, and local-have worked on cases in these areas of concern, and will consider how such organizations can most effectively address issues that involve religious belief. Students will be evaluated on the basis of class participation and a final paper with an associated class presentation. The final paper-class presentation may be done individually or, with the professor's permission, in a small group. Students who enroll in the seminar should have some familiarity with international law and human rights law in particular, but there are no specific pre-requisites.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## ITA Prosecution Perspectives Clinic

**Course #:** 8003      **Term:** 2014FW      **Faculty:** Corrigan, John      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Open to 3Ls only

This is a four-credit clinic (3 fall credits + 1 winter credit)

Required Class Component: ITA: Prosecution Perspectives (3 fall credits + 1 winter credit). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: Trial Advocacy Workshop (TAW) and Evidence. Students must enroll in both classes separately from the clinic enrollment. There is no clinic preference or priority to enroll in TAW or Evidence. Failure to meet the pre/co-requisites by the clinic's add/drop deadline will result in the student being dropped from this clinic and class.

By Permission: No.

Add/Drop Deadline: September 3, 2014.

LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.

Multi-Semester: This is a fall-winter clinic (3 fall credits + 1 winter credit).

Placement Site: Various D.A. offices throughout Massachusetts.

This clinic and course will focus on the role of and decision-making by the prosecutor in the criminal justice system, with particular attention to the exercise of discretion by the prosecutor in investigation, charging, plea negotiation and sentencing recommendation decisions. It will also involve an examination of the lawyering skills involved in case analysis, interviewing witnesses, and negotiation, and other aspects of case handling and courtroom advocacy, in the context of the District Court.

During the fall and winter terms, the class will consist of one two-hour class per week, in addition to the clinical assignment.

A clinical practice component is required of all students. Students must have at least two full days in their schedule free from 8am to 5pm for the clinical component. Clinical placements are with the Middlesex, Norfolk, Suffolk, or Essex County District Attorneys Office. Under the supervision of assistant district attorneys, students work a minimum of twenty hours per week to represent the Commonwealth in prosecuting District Court criminal cases. While student experiences vary, students are likely to handle arraignments, bail hearings, pretrial conferences, motion hearings, pleas and trials. Some students may handle a jury trial. Clinical placements will begin immediately after the completion of the fall Trial Advocacy Workshop. Readings will consist primarily of multilithed materials. There will be a one-day take-home exam. Students are required to keep a journal relating to their fieldwork experiences and to prepare several short practical skills exercises.

The classroom component of this clinical course satisfies the Law Schools professional responsibility requirement. Ordinarily, students may not enroll in two courses that satisfy the professional responsibility requirement. Students who enroll in a clinical course that satisfies the professional responsibility requirement but who have already completed a professional responsibility course may receive one less classroom credit for the second course if there is substantial overlap in professional responsibility coverage. Students who have already taken a professional responsibility course should check with the Vice Dean for Academic Programming in advance of signing up for this clinical course to determine if there is overlap and if a credit reduction will apply.

Enrollment is through clinical registration. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.



# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

**2014-2015 Academic Year**

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## ITA: Prosecution Perspectives

**Course #:** 2328      **Term:** 2014FW      **Faculty:** Corrigan, John      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

### Course Description:

Open to 3Ls only

This is a 4-credit course (3 fall credits + 1 winter credit).

Required Clinic Component: ITA Prosecution Perspectives (3 fall credits + 1 winter credit). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: Trial Advocacy Workshop (TAW) and Evidence. Students must enroll in both classes separately from the clinic enrollment. There is no clinic preference or priority to enroll in TAW or Evidence. Failure to meet the pre/co-requisites by the clinic's add/drop deadline will result in the student being dropped from this clinic and class.

By Permission: No.

Add/Drop Deadline: September 3, 2014.

LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.

Multi-Semester: This is a fall-winter course (3 fall credits + 1 winter credit).

This course will focus on the role of and decision-making by the prosecutor in the criminal justice system, with particular attention to the exercise of discretion by the prosecutor in investigation, charging, plea negotiation and sentencing recommendation decisions. It will also involve an examination of the lawyering skills involved in case analysis, interviewing witnesses, and negotiation, and other aspects of case handling and courtroom advocacy, in the context of the District Court.

During the fall and winter terms, the class will consist of one two-hour class per week, in addition to the clinical assignment.

A clinical practice component is required of all students. Students must have at least two full days in their schedule free from 8am to 5pm for the clinical component. Clinical placements are with the Middlesex, Norfolk, Suffolk, or Essex County District Attorneys Office. Under the supervision of assistant district attorneys, students work a minimum of twenty hours per week to represent the Commonwealth in prosecuting District Court criminal cases. While student experiences vary, students are likely to handle arraignments, bail hearings, pretrial conferences, motion hearings, pleas and trials. Some students may handle a jury trial. Clinical placements will begin immediately after the completion of the fall Trial Advocacy Workshop. Readings will consist primarily of multilithed materials. There will be a one-day take-home exam. Students are required to keep a journal relating to their fieldwork experiences and to prepare several short practical skills exercises.

The classroom component of this clinical course satisfies the Law Schools professional responsibility requirement. Ordinarily, students may not enroll in two courses that satisfy the professional responsibility requirement. Students who enroll in a clinical course that satisfies the professional responsibility requirement but who have already completed a professional responsibility course may receive one less classroom credit for the second course if there is substantial overlap in professional responsibility coverage. Students who have already taken a professional responsibility course should check with the Vice Dean for Academic Programming in advance of signing up for this clinical course to determine if there is overlap and if a credit reduction will apply.

Enrollment is through clinical registration. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

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## Jewish Identity in Contemporary America

**Course #:** 2705      **Term:** 2014FA      **Faculty:** Mnookin, Robert      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC3012

**Course Description:** Today in America what does it mean to be Jewish? Does it require a religious or spiritual commitment? Or some notion of cultural solidarity? In contemporary America is one's religious or ethnic identity simply a matter of individual choice? Today Jews are broadly accepted to an unprecedented degree in all facets of American life. Intermarriage is commonplace. All of this contrasts with the situation even in the recent past.

Through a set of readings we will explore: (1) Within America, how has the treatment and circumstances of Jews changed over time? (2) In what ways, because of the First Amendment, has the experience of Jews in America always been different than in Europe and other parts of the world? (3) What are the varieties of ways Jewish identity is constructed in contemporary America? (4) What are the choices faced by young people today in terms of religious identity?

Any interested student, irrespective of his or her own religious commitments or ethnic background - is welcome.

In addition to attendance, class participation is a requirement and during the course of the semester each student will be given special responsibility for helping lead the discussion on one topic. The course will require five brief response papers (about two pages each), on the assigned readings and a 10-15 page term paper on a topic approved by the instructor.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Judging: Context, Diversity, Gender and Race

**Course #:** 2608      **Term:** 2014FA      **Faculty:** Gertner, Nancy      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Government Structure & Function

**Delivery Mode:** Reading Group

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC3036

**Course Description:** This reading group will address judging in general, with a special emphasis on diversity and judging. We will consider the literature on judging, from judicial philosophers, on the one hand (Holmes, Bickel), to social scientists, on the other. We will examine the forces that shape judicial decisionmaking, both intrinsic and extrinsic to the judiciary, at all levels (trial, appellate, Supreme Court), and the extent to which those forces are consistent or inconsistent with the normative model of judging, what we expect judges to say and do. And we will consider the impact of diversity of all kinds, particularly on the federal bench. It is anticipated that our discussions will be aided by the attendance of guest speakers, former and present judges, journalists who have covered the Supreme Court and other courts, as well as academics

Prerequisite: Course enrollment is by permission of the faculty. Please send a statement of interest to [ngertner@law.harvard.edu](mailto:ngertner@law.harvard.edu) no later than September 8, 2014.

Note: The reading group will meet on the following dates: 9/15, 9/22, 11/3, 11/10, 11/17, 11/24.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Judicial Process in Community Courts Clinic

**Course #:** 8022      **Term:** 2015SP      **Faculty:** Cratsley, John      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Judicial Process in Community Courts (2 spring credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Various externship placements.  
Clinical placements are available with individual justices of the District Court, Boston Municipal Court, Juvenile Court, Housing Court, Land Court and Superior Court departments of the Massachusetts Trial Court, and, with the instructors permission, with judges of the U.S. District Court for Massachusetts. Students work alongside a judge observing court as well as doing legal research and writing for their judge. Students will gain insights into judicial reasoning and decision-making. They will also better understand the career of a judge as they have the opportunity to discuss a variety of trials, opinions, sentences, and other judicial matters with their supervising judge. Students are expected to both observe court proceedings, complex and simple; and be available for legal research and drafting assignments from their judge. Students are expected to be available to do research and writing projects for their assigned judge, and are expected to observe and assist their judge for at least 2 clinical credits, or ten hours per week (one full day or two mornings). Students may elect additional clinical credits if they do expanded hours of fieldwork.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Judicial Process in the Community Courts Clinical Seminar

**Course #:** 2139      **Term:** 2015SP      **Faculty:** Cratsley, John      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Required Clinic Component: Judicial Process in Community Courts Clinic (2-4 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to the clinic by submitting an application.  
This seminar examines through participant observation the functioning of the judicial process in our trial courts with particular focus on our first level or community courts. Attention is paid to the various roles (adjudicatory, administrative, educational, sentencing, and symbolic) that judges play in these courts. The focus of the class is on the interaction between the local court and the community it serves, with a view toward evaluating the role of decentralized, neighborhood-oriented courts in contemporary society. The contributions of various scholars to understanding these courts is reviewed, as well as distinct proposals for reform. Because of the variety of clinical placements, attention is also paid to issues such as judicial accountability, judicial ethics, sentencing, juries, etc., which impact trial judges in all courts.  
A fifteen- to twenty-page paper describing some aspect of the judiciary's work in these courts is required and serves as a basis for each student's grade. Students must meet with the instructor to select a paper topic that involves topics encountered in the fieldwork such as sentencing, judicial administration, judicial ethics, court innovations, ADR in the courts, etc.  
Students must participate in the clinic and must enroll in it through clinical registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Jurisprudence: Legal Ideals

**Course #:** 2577      **Term:** 2014FA      **Faculty:** Sargentich, Lewis      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Location**

PND100

PND100

**Course Description:** The liberal ideal of legality yields both formalization of law (law as formal rules or doctrines) and idealization of law (law as principles and policies). The course examines formalization as portrayed by modern legal positivism (mainly H.L.A. Hart) and criticized by American legal realists. Then we will undertake a study of the idealizing tendency within law. We will consider accounts of legal ideals offered by liberal jurisprudence (mainly Fuller, Hart and Sacks, and Dworkin) and by contemporary critical jurisprudence.

Readings include some illustrative cases and commentary on particular legal doctrines and fields, though the focus is on more highly general theoretical argument. The course aims to develop a definite thesis about the structure and character of legal ideals and to provide a connected account of phenomena emphasized by critical legal studies such as theory in doctrine, conflicting ideals, legal ideology, legal legitimation, and transformative possibility.

Readings for the course are photocopied materials.

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## Justice and Morality in the Plays of Shakespeare

**Course #:** 2179      **Term:** 2014FA      **Faculty:** Stone, Alan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC5044

**Course Description:** King Lear, Othello, The Merchant of Venice, Measure for Measure, As You Like It and Hamlet (Texts, Commentary and Films).

The students will be expected to write and present four response papers in the course of the seminar. In addition there will be other classroom activities including a mock trial.

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## Law and Development

**Course #:** 2681      **Term:** 2015SP      **Faculty:** Thomas, Chantal      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

**Course Description:** This reading group will examine current issues and debates in the field of law and economic development. Course materials will include an examination of competing economic theories of development, how those theories translate into platforms for law and policy reform, and how and why reform has or has not occurred.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Law and Economics

**Course #:** 2146      **Term:** 2014FA      **Faculty:** Kaplow, Louis; Shavell, Steven      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

HAU102

**Course Description:** This seminar will provide students with an opportunity to engage with ongoing research in the economic analysis of law. At most of the meetings, invited speakers--some from the Law School--will present works in progress. Students are required to submit, before sessions, brief written comments on the papers to be presented. Enrollment in either or both terms is permitted. Some background in economics or law and economics is helpful; however, knowledge of technical economics is unnecessary.

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## Law and Economics

**Course #:** 2146      **Term:** 2015SP      **Faculty:** Kaplow, Louis; Shavell, Steven      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

**Course Description:** This seminar will provide students with an opportunity to engage with ongoing research in the economic analysis of law. At most of the meetings, invited speakers--some from the Law School--will present works in progress. Students are required to submit, before sessions, brief written comments on the papers to be presented. Enrollment in either or both terms is permitted. Some background in economics or law and economics is helpful; however, knowledge of technical economics is unnecessary.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Law and Medicine: The Affordable Care Act

**Course #:** 2718      **Term:** 2015SP      **Faculty:** Lawrence, Matthew      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** This seminar will consider the package of reforms known as the Affordable Care Act, first exploring the goals of the Act and then addressing the extent to which implementation and legal challenges have slowed or permanently limited the Act's success in meeting those goals.

Likely units and topics include:

Overview of our fragmented healthcare system

The ACA's three-pronged reform plan

Insure the uninsured-the employer mandate, individual mandate, and Medicaid Expansion

Make insurance better-essential benefits requirements, medical loss ratios, external review, cost sharing, co-ops, and other market reforms

Make medicine better-pay-for-performance, fraud control, and primary care

Implementation challenges

Website rollout and exchange enrollment

Employer mandate

Failed co-ops

Legal challenges

Individual mandate (NFIB v. Sebelius)

Medicaid expansion (NFIB v. Sebelius)

Contraception mandate (Hobby Lobby Stores v. Sebelius)

Subsidy challenges (Halbig v. Sebelius)

Current developments

The future of the ACA

No prior knowledge of health law is assumed. Readings will include cases, scholarly articles, and other materials. Grading will be based on class participation and written work. Students can choose to write either multiple reading responses or a final paper.

No prerequisites. Open to law students and other interested graduate students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Law and Neuroscience

**Course #:** 2707      **Term:** 2015SP      **Faculty:** Gertner, Nancy      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** This seminar examines cutting edge and even controversial linkages between law and neuroscience. We seek to highlight neuroscientific basis for behavior patterns with legal implication including how neuroscience intersects with criminal law, its normative assumptions and criminal punishment, evidentiary rules, memory bias and enhancement, lie and deception detection, adolescent brains and juvenile law. We will look critically at efforts to use neuroimaging in court in connection with in the prediction of criminality and predispositions towards mental illness and addiction, as well as efforts to identify neurobiological influences on the brain. Is there such a thing as a criminally violent brain? Does it make sense to speak of the neurobiology of violence or the psychopathology of crime, and how are (or should) such concepts translated into criminal law. The seminar will necessarily lead us to consider the relationship between law and science, more generally, and neuroscience in particular. Speakers will provide insights into their work and research.

Prerequisite: Evidence, Criminal Law are helpful, not required. Admission is by permission of the instructor. Please send a statement of interest and a CV to [ngertner@law.harvard.edu](mailto:ngertner@law.harvard.edu) by no later than January 26, 2015.

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## Law and Philosophy Colloquium

**Course #:** 2470      **Term:** 2015SP      **Faculty:** Goldberg, John      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** This seminar will explore some of the ways in which philosophical analysis and discussions of what the law is and ought to be can enrich one another, with a special focus on moral issues involving law and government policy. Students in the seminar will write frequent short papers, focused on weekly readings, as well as a longer paper at the end. For roughly half of the weeks, the readings will be drafts of works-in-progress by philosophers, political theorists, and law professors who will present their work in the seminar.

Prerequisite: Admission into this seminar is by permission of the instructor. Please send applications to Jan Qashat ([qashat@law.harvard.edu](mailto:qashat@law.harvard.edu)) by Friday, November 14.

Note: This course will be jointly-listed with FAS and HKS.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Law and Policy of Federal Funding Flows

**Course #:** 2302      **Term:** 2015SP      **Faculty:** Barnes, Mark      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Health Law; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 8:10 AM - 10:10 AM

**Course Description:** The federal government funds a wide range of activities undertaken by private actors -- individuals, for-profit businesses and corporations, and not-for-profit entities, including universities, hospital and research centers. In providing this funding for designated activities, government seeks to assure that certain tasks are undertaken that government itself either cannot undertake directly, or can undertake less efficiently than private actors. Various conditions attach to this funding, relating to how the funded activities may and may not be undertaken, how funds may and may not be spent, and how accountability for activities and expenditures is assured. Using examples drawn from a variety of funding programs, this course will examine some of the fundamental issues relating to governmental decisions to fund private sector activities. Among the questions we will examine will be: are there constitutional, ethical or practical limits to what private activities government may choose to fund; how does government legitimately determine what private actors may receive funding; how are funded programs approved, overseen and monitored; what costs or expenses should be reimbursed or paid, and which should not qualify for reimbursement or payment; with what degree of exactitude may government dictate how private actors implement the activities for which they are funded; and are there reasonable and sustainable differences between government "grants" as opposed to government "contracts." We will use examples drawn from federal funding of basic science and applied science research, medical research, and medical care (Medicare, Medicaid, categorical funding for public health programs, and controversial medical procedures such as voluntary termination of pregnancy and organ donation); procurement of goods and services for defense, energy and other national purposes; direct subsidies of agriculture and other industries; audit and accountability standards under the Federal False Claims Act and various other "whistleblower" statutes; and the use of the taxation system to subsidize or incentivize private behavior as a substitute for direct funding of the desired activities, or "tax expenditures" (including, for example, the mortgage interest deduction and the exclusion from income of employer-provided health insurance). Materials will be drawn not only from case decisions, but from the voluminous regulations and guidelines that determine practices in this area (e.g., OMB circulars, Medicare payment regulations, Section 8 rent subsidy regulations, USDA crop subsidy regulations, Defense Department procurement standards). Comparisons will be made to federal funding of local and state government activities. Along the way, we will seek to understand whether, in the massive growth of funding in these areas in recent decades, government has become more "private," or private actors have themselves become an indissoluble part of our permanent government in the post-industrial, post-modern American republic.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Law and Psychology: The Emotions

**Course #:** 2151      **Term:** 2014FA      **Faculty:** Cope, David      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC3036

**Course Description:** Love, jealousy, guilt, anger, fear, greed, compassion, hope, and joy play important roles in the lives of lawyers and those with whom they interact. The most effective lawyers are not just good thinkers, they are also empathic students of human emotions. This seminar will offer students a chance to explore what is missing from the traditional law school rational actor model of human nature through discussion of readings, primarily from psychology (but with contributions from economics, biology, philosophy, and literature), about the nature and operation of the emotions, the use of emotion in persuasion and negotiation, emotions and the good life, and the role of emotions in moral and legal decision making.

Students will be asked to write short papers (1-2 pages) on each weeks readings. There will be no required final examination or term paper.

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## Law and the International Economy

**Course #:** 1009      **Term:** 2015SP      **Faculty:** Wu, Mark      **Credits:** 4.00

**Type:** 1L International  
Comparative  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

**Location**

**Course Description:** This course is designed to introduce first-year students to the architecture of the international economic law system. Its emphasis is on elements of international law that affect cross-border economic transactions and deals. The first part of the course examines the nature and sources of international law. The course then shifts to provide an overview of international commercial litigation, the trade and investment regimes, and emergent areas such as international regulation of corruption and intellectual property. The course will introduce students to the various types of law that affect cross-border transactions (bilateral and multilateral treaties, customary international law, domestic law, foreign law, and hard/soft law) as well as the various dispute resolution mechanisms available to resolve crossborder disputes (including domestic courts, international courts, international commercial arbitration, and investor-state disputes).

Note: This is one of the 1L required international or comparative courses and is only available to HLS first-year and LLM students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Law of Surveillance

**Course #:** 2685      **Term:** 2014FA      **Faculty:** Crawford, Susan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Criminal Law & Procedure; Government Structure & Function

**Delivery Mode:** Seminar

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC3016

**Course Description:** New laws and new regulatory approaches are now under consideration to assist and constrain the intelligence community and law enforcement authorities. Meanwhile, private actors have access to enormous amounts data and are unsure how to respond to government requests. This seminar will cover readings in doctrinal surveillance law and related issues. Paper required, no exam.

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## Law, Economics and Psychology

**Course #:** 2669      **Term:** 2015SP      **Faculty:** Bar-Gill, Oren      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Course

**Days and Times:**

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

**Location**

**Course Description:** The law aims to control, guide, or facilitate many aspects of human behavior. To achieve these goals legal policymakers should benefit from an accurate account of how people make decisions. One leading account is the rational choice model of neoclassical economics. We will review the important contributions made by traditional economic analysis of law based on the rational choice model. Recently psychologists and behavioral economists have begun to challenge the dominant rational choice account, arguing that in many circumstances the standard model fails to provide a satisfactory account of human decision-making. As a result, a new model is emerging - a model informed by a more nuanced understanding of the interrelations between the law, economics and psychology of decision-making. We will explore the implications of this new model for legal policy. Topics will include law enforcement, decision-making by judges and juries, pre-trial settlement negotiations, contract law, and tort law.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Law, Psychology, and Morality: An Exploration through Film

**Course #:** 2158      **Term:** 2015SP      **Faculty:** Stone, Alan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

Thu 7:15 PM - 9:15 PM

**Course Description:** This seminar will deal with subjects at the intersection of law, psychology, and morality using film as text. Subjects include: responsibility and community, love and redemption, reconstructing the claims of family, gender and sexual identity, narratives of justice and injustice, the lawyers identity, patriarchy and misogyny, and race and the subculture of poverty. Films shown in the past years include (director and title): Gorris, Antonias Line; Mikhalkov, Burnt by the Sun; Fassbinder, The Marriage of Maria Braun; Coppola, Apocalypse Now; Resnais, Hiroshima Mon Amour; Verhoeven, The Nasty Girl; Tarantino, Pulp Fiction; Hrebejk, Divided We Fall; van Diem, Character; Vidor, The Crowd: Visconti, Rocco and His Brothers; Zhang, The Story of Qui Ju; Zwick, Glory; Leigh, Secrets and Lies; Fellini, 8 1/2; Allen, Crimes and Misdemeanors; Lee, Do the Right Thing; Frears, My Beautiful Laundrette, and Sautet, Un Coeur en Hiver. Students must view John Sayless film Lone Star and submit a brief review before the first class. Requirements include regular class attendance and active participation in discussion. Students must write five short papers to be shared with other members of the seminar.

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## Laws, Markets, and Religions

**Course #:** 2159      **Term:** 2014FS      **Faculty:** Clark, Robert      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Note: The credit breakdown for this seminar is as follows: two total credits with one credit awarded in the fall and one credit awarded in the spring.

This year-long seminar will explore articles and books that help to illuminate the characteristic attributes and the relative advantages and disadvantages of four major systems of social control: legal systems, markets, social groups, and the world religions. The readings may also provide comparative insight into the scope and the historical development of these differing systems. Readings may be chosen from a broad array of social-science disciplines, including sociology, psychology, evolutionary theory, and behavioral law and economics.

Students will be asked to write a short response paper about the readings for each session. There will be twelve two-hour sessions (6 in the fall and 6 in the spring), which will usually be scheduled on an every-other-week basis.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Lawyer as Facilitator Workshop

**Course #:** 2591      **Term:** 2014FA      **Faculty:** Bordone, Robert; Viscomi, Rachel      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Wed 2:00 PM - 6:00 PM

**Location**

LEW301

**Course Description:**

Lawyers facilitate. In contemporary practice, lawyers constantly work on matters that require groups of people to work together in order to solve problems, reach decisions, and resolve conflicts. This group work can include collaborating with lawyers and clients to develop complex legal strategies and coordinating with colleagues around duties and responsibilities. Lawyers may work with corporate and non-profit boards to make a decision or improve the decision-making process. Facilitation may include working with community stakeholders, multiple family members, or local officials to increase understanding, resolve a dilemma, or re-build trust. The typical lawyer in the U.S. will spend at least 10,000 hours in meetings during her/his professional career. And yet, few lawyers receive training in how to organize, run, and facilitate gatherings of people.

This 3-credit workshop introduces students to the theory and practice of facilitation, both in traditional legal as well as non-legal contexts. It also provides opportunities for students to develop the skills necessary for their role as a facilitator, whether a facilitator of meetings, with people in conflict, or with groups problem-solving together. Through simulations, exercises, readings, discussions, and videos, students will practice facilitation and will explore some of the challenges and dilemmas of this important, but often neglected, lawyering skill.

The Lawyer as Facilitator Workshop is scheduled for 2:00-6:00 p.m. on Wednesdays. However, students should note the varied schedule within that framework: on some Wednesdays, the Workshop will meet for less than three hours; on other Wednesdays, the class will meet for the full time allotted in order to allow for more in-depth practice and review. Enrollment will be limited to 12 students, selected by application (see more information on the application procedure below). A full schedule will be made available during the first week of class.

Attendance at all sessions is mandatory in order to accommodate various group exercises and simulations. Negotiation Workshop is a pre-requisite for this Workshop.

Application Instructions: To be considered for admission to the Facilitation Workshop, we ask you to submit a resume and a narrative statement of interest, no longer than one page, by April 4, 2014, to Tracy Blanchard, . You will be notified by April 11, 2014 (before the elective registration begins), if you have been admitted into the Workshop. The statement of interest should succinctly explain:

why you are interested in participating in the Facilitation Workshop;

what you hope to learn;

what you hope to contribute; and

how you hope engaging in the Facilitation Workshop material will advance your professional interests.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal History Workshop

**Course #:** 2596      **Term:** 2014FA      **Faculty:** Brown-Nagin, Tomiko; Mack, Kenneth      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal History

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC3009

**Course Description:** This workshop will examine major works in the field of legal history, important historiographical debates and critical methodologies. Students will participate in workshop presentations by leading scholars.

Law students have a choice of enrolling in the workshop for two or three credits. Law students who choose to write a substantial paper will receive three credits upon successful completion of the course; law students who do not complete substantial papers will receive two credits. All FAS graduate students who enroll in the workshop must complete a substantial paper; all FAS students will receive three credits upon successful completion of the course.

Note: This course is jointly-listed with FAS as History 2475.

## Legal History Workshop

**Course #:** 2596      **Term:** 2015SP      **Faculty:** Brown-Nagin, Tomiko      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Legal History

**Delivery Mode:** Course

**Days and Times:**

Mon 5:00 PM - 6:00 PM

**Location**

**Course Description:** Students who are working on substantial papers may enroll in the spring semester of the Legal History Workshop. Students will attend workshop sessions and meet with the professor regularly for discussion and feedback on research and writing.

Prerequisite: Students must be enrolled in the fall section of the Legal History Workshop and must seek permission from the faculty member to enroll in this additional spring section.



# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal History: American Legal Education

**Course #:** 2164      **Term:** 2015SP      **Faculty:** Coquillette, Daniel      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal History

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This seminar is designed for students who are genuinely interested in what has happened to them at law school and who would like to examine carefully the nature of their legal education. It is also a practical introduction to the many different careers available in legal education. We will commence with the English and Continental origins of legal scholarship and teaching, examine the development of formal legal education in America from the founding of the Litchfield and Harvard Law Schools to the rise of Legal Realism, and conclude with the pressing controversies facing Americas law schools today. Among the topics covered will be the relationship between formal legal education and the practicing bar, the changing composition of the faculty and the student body, the early pedagogical controversies, the different methods and ends of modern legal instruction, and the role played by law schools in fundamental disputes about jurisprudence, political ideology, economics, and social reform.

A research paper will be required rather than a final examination.

Note: This seminar will be jointly-listed with BC.

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## Legal History: English Legal History

**Course #:** 2370      **Term:** 2015SP      **Faculty:** Donahue, Charles      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal History

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 11:00 AM - 12:00 PM

Tue 10:15 AM - 12:00 PM

**Course Description:** An introduction to the history of law and legal institutions in England from the Anglo-Saxons to the seventeenth century. The principal focus will be on the development of private law. No previous background in English legal history will be assumed. A short paper is required and two final essays, something like a take-home exam.

J.H. Baker, *An Introduction to English Legal History* (4th ed. 2002) and multilithed materials.

Note: This course is jointly-listed with FAS as Medieval Studies 117. Classes on Mondays and Wednesdays will meet in Harvard Yard, and classes on Tuesdays will meet at HLS.

This course is expected to be omitted in 2015-16.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal History: English Legal History

**Course #:** 2371      **Term:** 2015SP      **Faculty:** Donahue, Charles      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal History

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** An exploration of the sources of English legal history for those who wish to study the high medieval and early modern periods (roughly 1100-1600) in more depth than is possible in the introductory course.

J.H. Baker, *An Introduction to English Legal History* (4th ed. 2002) and multilithed materials.

Co-requisite: Concurrent registration in the English Legal History course, or the equivalent preparation and permission of the instructor, is required. Some materials in Latin and French will be studied, but neither language is required.

Note: This seminar is jointly-listed with the Faculty of Arts and Sciences as History 2080. Students not writing their third-year papers in conjunction with this seminar should sign up for an hour of independent written work with Professor Donahue.

This seminar is expected to be omitted in 2015-2016.

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## Legal History: English Legal History

**Course #:** 2370      **Term:** 2015SP      **Faculty:** Donahue, Charles      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal History

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 11:00 AM - 12:00 PM

**Course Description:** An introduction to the history of law and legal institutions in England from the Anglo-Saxons to the seventeenth century. The principal focus will be on the development of private law. No previous background in English legal history will be assumed. A short paper is required and two final essays, something like a take-home exam.

J.H. Baker, *An Introduction to English Legal History* (4th ed. 2002) and multilithed materials.

Note: This course is jointly-listed with FAS as Medieval Studies 117. Classes on Mondays and Wednesdays will meet in Harvard Yard, and classes on Tuesdays will meet at HLS.

This course is expected to be omitted in 2015-16.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal History: History of American Economic Regulation

**Course #:** 2167      **Term:** 2015SP      **Faculty:** Mack, Kenneth      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Legal History; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

### Location

**Course Description:** This course examines the history of capitalism in America, viewed through the lens of debates over regulation of economic activity. Beginning in the early days of the republic, it will examine the role of law in capitalist development, focusing on debates over the regulation of corporations, banking and the financial system, antitrust, and administrative law, continuing through the regulatory reforms of the New Deal. It will then examine movements for deregulation, the roots of the financial crisis, and recent proposals to regulate banks and other financial institutions. The course will examine the social, institutional and intellectual history of economic regulation.

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## Legal History: The Conservative Legal Movement

**Course #:** 2715      **Term:** 2015SP      **Faculty:** Sawyer, Logan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal History

**Delivery Mode:** Seminar

### Days and Times:

Mon 5:00 PM - 7:00 PM

### Location

**Course Description:** This seminar examines the origins, development, and consequences of the rise of the conservative legal movement from the perspective of legal history. It examines how the interaction of legal doctrine, legal and political thought, and legal and political institutions between the 1960s and 1990s produced developments like the Federalist Society, the emergence of originalism, and the return of constitutional federalism. It also considers how those developments contributed to the rise of the modern conservative political movement. Students will read and discuss cases, books, and articles.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal History: Workshop on the Political Economy of Modern Capitalism

**Course #:** 2168      **Term:** 2014FS      **Faculty:** Desan, Christine; Beckert, Sven      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Legal History

**Delivery Mode:** Seminar

**Days and Times:**

Mon 4:00 PM - 6:00 PM

**Location**

WCC3009

**Course Description:** Note: The credit breakdown for this seminar is as follows: two total credits with one credit awarded in the fall and one credit awarded in the spring.

As modern capitalism becomes dominant across the globe, the need to understand it increases. Is it a form of market organization, a material or social phenomenon, an epistemological development, a set of legal categories, or a mode of governance? This seminar explores modern capitalism as an historical form of political economy, developed over the last three centuries, that may partake of all these dimensions. The seminar is designed to include both students who are interested in the in-depth study of capitalism as a political economic form, and faculty/scholars already engaged in that research who seek a forum for presenting works-in-progress.

The seminar will include sessions for student participants focused on influential works that have contributed a working vocabulary to current debates over capitalism. In alternating sessions, we will discuss new research by faculty and student participants, associated scholars, and guests.

The seminar will run biweekly during the Fall 2014 and Spring 2015 semesters. Student participants will be required to attend and participate regularly, to lead the commentary on at least one work discussed in the seminar, and to submit a final paper of twenty-five to thirty pages. Law students may write papers that satisfy Option 1 of the JD Written Work Requirement in conjunction with the seminar.

Cross-registrants are encouraged to apply.

Note: This course is jointly-listed with FAS and will meet on the FAS campus.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Profession

**Course #:** 2169      **Term:** 2014FA      **Faculty:** Kaufman, Andrew      **Credits:** 3.00

**Type:** Legal Profession Course      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

### Days and Times:

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

### Location

WCC1010

WCC1010

**Course Description:** This course considers three categories of materials. First, we will study the nature of professionalism in American society with readings and problems dealing with practical issues of professional responsibility faced by lawyers in the daily routine of private practice. Second, we will deal with issues faced by the profession as a whole, including the ways of providing effective legal services to all members of the community, regulation of competition, and the imposition of professional discipline. Third, we will also look at the organization and demographics of the profession, its units of practice, and what professional life is like in the twenty-first century. The course also invites students to address the questions: What kind of lawyer do I want to be, and to what kind of profession do I wish to belong?

Grades will be based principally on a final in-class examination (or, alternatively, a 5000-word paper on an approved topic) but also, to some extent, on class participation or assigned classroom exercises.

The materials will be Kaufman and Wilkins, *Problems in Professional Responsibility for a Changing Profession* (5th edition), and *Professional Responsibility Standards, Rules & Statutes* (Dzienkowski, latest abridged edition).

Note: This course satisfies the Professional Responsibility requirement and will be included in the Legal Profession registration round. This course is only available to JD 3Ls and LLM students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Profession

**Course #:** 2169      **Term:** 2014FA      **Faculty:** Dacey, Timothy      **Credits:** 3.00

**Type:** Legal Profession Course      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

### Days and Times:

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

### Location

WCCB010

WCCB010

**Course Description:** Ethical issues can arise in any type of practice and at any point in a lawyers work, often unexpectedly, in medias res. In this course, students will learn how to identify and respond to such issues. The course will focus on the types of problems a lawyer will encounter in daily practice, especially in litigation and transactional work, and on the rules of professional conduct, case law and other considerations that a lawyer is expected to take into account in resolving such issues. We will examine issues both from the perspective of a lawyer starting out in practice and a more experienced lawyer with supervisory responsibility, and will consider the different types of practice and the different institutional settings in which such problems arise. In addition, we will discuss challenges to the professions legal and regulatory framework posed by developments such as outsourcing, the continuing growth of large, multi-national law firms, the increasing role of in-house counsel, and innovations in the marketing of legal services.

Note: This course satisfies the Professional Responsibility requirement and will be included in the Legal Profession registration round. This course is only available to JD 3Ls and LLM students.

## Legal Profession

**Course #:** 2169      **Term:** 2014FA      **Faculty:** Wilkins, David      **Credits:** 4.00

**Type:** Legal Profession Course      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

### Location

PND100

PND100

**Course Description:** This course offers a look at the organization, economics, operation, and ideology of the legal profession. We will discuss history, current trends and recent developments in the organization and operation of law firms, legal services offices, government legal offices, and corporate legal departments. We will consider professional autonomy, commercialism, and regulation (by clients, by the courts, and by regulatory agencies). We will contrast US legal practice and regulation with other professions in the US (e.g., medicine, accounting, engineering), as well as with legal practice and regulation in other countries, and the prospect for changes driven by globalization and cross-border trade in legal services. We will consider the effects of increasing demographic diversity on the profession. We will discuss ethical problems most often encountered in legal practice, and the effects of the regulation of legal practice on the organizations and institutions that deliver legal services. We will focus on issues and problems faced by entrepreneurs considering whether to start-up a new legal services organization.

Note: This course satisfies the Professional Responsibility requirement and will be included in the Legal Profession registration round. This course is only available to JD 3Ls and LLM students.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Profession

**Course #:** 2169      **Term:** 2014FA      **Faculty:** Sawyer, Logan      **Credits:** 3.00

**Type:** Legal Profession Course      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**

Wed 1:00 PM - 2:30 PM

Thu 1:00 PM - 2:30 PM

**Location**

PND100

PND100

**Course Description:** This course provides an overview of the legal rules and principles that govern the legal profession. It emphasizes, but is not limited to, the Model Rules of Professional Conduct. It asks how those rules and principles have been shaped by ethical concerns, the ideology of professionalism, the practice of lawyer self-regulation, and the institutional concerns of the court system. Class will emphasize the discussion and analysis of problems faced by practicing lawyers. We will examine topics including the duty of confidentiality, the attorney-client privilege, conflicts of interest, ethics in advocacy, ethical issues in representing organizational clients, and advertising.

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## Legal Profession

**Course #:** 2169      **Term:** 2015SP      **Faculty:** Kaufman, Andrew      **Credits:** 3.00

**Type:** Legal Profession Course      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

**Location**

**Course Description:** This course considers three categories of materials. First, we will study the nature of professionalism in American society with readings and problems dealing with practical issues of professional responsibility faced by lawyers in the daily routine of private practice. Second, we will deal with issues faced by the profession as a whole, including the ways of providing effective legal services to all members of the community, regulation of competition, and the imposition of professional discipline. Third, we will also look at the organization and demographics of the profession, its units of practice, and what professional life is like in the twenty-first century. The course also invites students to address the questions: What kind of lawyer do I want to be, and to what kind of profession do I wish to belong?

Grades will be based principally on a final in-class examination (or, alternatively, a 5000-word paper on an approved topic) but also, to some extent, on class participation or assigned classroom exercises.

The materials will be Kaufman and Wilkins, *Problems in Professional Responsibility for a Changing Profession* (5th edition), and *Professional Responsibility Standards, Rules & Statutes* (Dzienkowski, latest abridged edition).

Note: This course satisfies the Professional Responsibility requirement and will be included in the Legal Profession registration round. This course is only available to JD 3Ls and LLM students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges

**Course #:** 2169      **Term:** 2014FA      **Faculty:** Charn, Jeanne      **Credits:** 3.00

**Type:** Legal Profession Course      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Location**

WCCB010

WCCB010

**Course Description:** Whether in solo, small firm or not for profit legal aid offices, new modes of serving clients of modest means offer promise of expanded access to legal advice and assistance but also pose ethical and professional challenges for the personal service bar. This course explores new modes of practice such as: discrete task representation (unbundled legal services), collaborative law practice, advice and hot line services, on-line advice services, virtual law practices, and participation in court based lawyer of the day and other on-site assistance for self-represented litigants. We will also consider the professional duty to provide pro bono services, review the rule and code changes enacted to accommodate new modes of practice, and study leading ethical opinions and judicial rulings relevant to service innovations. In addition to a focus on the law and ethics of the profession, we will consider practical issues such as law practice management, developing a sound business plan, participating in referral services, assuring service quality, assessing the outcome and cost-effectiveness of different approaches to service delivery, understanding typical legal needs of people of modest means, and assuring that prospective clients/consumers of legal services understand the service options available to them. In lieu of a final exam, students will, in consultation with the course instructor, investigate and report on the efficacy, ethics and feasibility of one or more service innovations.

Some seats are reserved for students enrolled in the fall Delivery of Legal Services clinic. Students must be enrolled in the clinic before they are eligible to claim one of these reserved seats. Please see the fall clinics description for more information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Profession: Delivery of Legal Services

**Course #:** 2169

**Term:** 2015SP

**Faculty:** Charn, Jeanne

**Credits:** 3.00

**Type:** Legal Profession Course

**Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Course Description:**

High quality legal service in civil matters is beyond the financial reach of most people. This course addresses the policy and professional responsibility implications of expanding access to the civil justice system in the US. We will compare the US system to the much larger programs in peer nations. The course will emphasize the professional and institutional problems of allocating scarce resources among needy claimants and the difficulty in assuring quality and a strong consumer orientation in a subsidized delivery system. We will explore the contours of a more comprehensive delivery system, which might include on-line legal advice and other technological innovations; simplification of rules and procedures; expanded roles for paralegals; expanded roles for the private bar; vouchers and low fee service; and pre-paid/legal insurance systems. There is no examination but students will, in consultation with the course instructor, develop a project that relates to making legal services available. Students may work on course projects individually, or in pairs or groups. Where appropriate and with permission of the instructor, completion of student projects may extend beyond the semester. Students may satisfy all or part of the J.D. written work requirement in connection with the course.

Some seats are reserved for students enrolled in the Delivery of Legal Services Clinic. Students must be enrolled in the clinic before they can claim one of these reserved seats. A student's enrollment in a reserved clinical seat is dependent on the student's enrollment in the Delivery of Legal Services Clinic. Please see the clinic's description for more information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Profession: Government Ethics - Scandal and Reform

**Course #:** 2169      **Term:** 2015WI      **Faculty:** Rizzi, Robert; Borden, Charles      **Credits:** 3.00

**Type:** Legal Profession Course      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 4:15 PM

Tue 1:00 PM - 4:15 PM

Wed 1:00 PM - 4:15 PM

Thu 1:00 PM - 4:15 PM

Fri 1:00 PM - 4:15 PM

### Location

### Course Description:

The course will focus on the rapidly-changing legal system that is designed to regulate government ethics. The course will allow students to explore the legal and associated challenges for lawyers who represent clients in ethics-related matters, as well as for lawyers in the government who are charged with applying these complex and onerous rules to federal employees.

Over the past few years, numerous ethics-related scandals have led to a substantial overhaul of federal ethics law for all three branches of government, with the result that government employees are now subject to more stringent ethical restrictions than they have been in the past. At the same time, growing media scrutiny has made the reputational consequences to individuals and companies caught up in ethics scandals exceptionally severe, even in cases where no legal violation is ultimately established. Providing effective counsel to public sector and private sector clients thus increasingly requires an appreciation of both the legal and non-legal dimensions of ethics-related representations.

The course will concentrate primarily on the ethics rules that apply to individuals appointed to or serving in Executive Branch positions, although comparisons with rules in the other Branches will be addressed. The course will follow the timeline for appointees from initial selection to Senate confirmation, and will use case studies from recent administrations. The course will analyze the legal and practical questions that lawyers must address at each stage of government service, from initial appointment to departure from office. The course will also examine the ethics issues that arise for appointees upon their return to the private sector.

The course will involve readings from a wide range of sources; examination of a number of case studies; analysis of statutes, regulations and case law; and discussion of various approaches to the regulation of ethical behavior by government officials. Students will be expected to become familiar with the principal rules and authorities and with the basic tools used to regulate ethical behavior of government officials and with the role of the lawyer -- both in the government and in the private sector -- in the representation of parties involved in the system of government ethics.

Note: This course satisfies the Professional Responsibility requirement and will be included in the Legal Profession registration round. This course is only available to JD 3Ls and LLM students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Profession: Responsibilities of Public Lawyers

**Course #:** 2169

**Term:** 2015SP

**Faculty:** Guinier, Lani

**Credits:** 4.00

**Type:** Legal Profession Course

**Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

**Course Description:**

Using case studies on lobbying, public conflict resolution, class-action litigation, community-based advocacy, and lawyering for the government, this course will explore the many tensions for public lawyers who advocate on behalf of individual clients, who seek to represent causes or the "public's" interests or who engage in legislative advocacy, community organizing or alternative forms of problem-solving and deliberation. In particular, we will focus on the philosophical, ethical, strategic and identity or role conflicts that confront lawyers as professionals and adversaries but also public citizens. We shall explore the distinctive challenges facing impact litigators, prosecutors, government agency lawyers, Legal Service lawyers, lawyers doing pro bono cases and/or community organizers.

The entire class will meet weekly to discuss background readings and to engage in simulations, role-playing exercises, and small group brainstorming sessions. In addition, the class will be divided into smaller sections that will each meet separately with the professor at scheduled intervals to pursue a topic in greater depth.

In lieu of an examination, students will have the option of either writing a final paper or submitting two shorter papers during the term. Those who choose to write a final paper must be registered as a clinical student or be a weekly volunteer at a public policy or public interest organization. The final paper should be an empirical-based study of an ongoing public lawyering project in which the student is a participant-observer. The paper will give students an opportunity to assess critically the public lawyering/public policy approach they observed in light of the background reading and class discussions of the philosophical, ethical, and strategic conflicts or issues at stake. Those who choose instead to write two shorter papers during the term must join one of the small facilitation groups, which will meet with the professor to discuss the assigned readings, as well as additional background material.

Students enrolled in this course fulfill their professional responsibility requirement. Enrollment is limited to five clinical students; fifty students total. A limited number of slots are available for interested first-year and second-year students.

Five seats are reserved for students enrolled in the Responsibilities of Public Lawyers clinic. Students must be enrolled in the clinic before they are able to claim one of these reserved seats.

Note: This course satisfies the Professional Responsibility requirement and will be included in the Legal Profession registration round for JD 3Ls. For 1Ls and 2Ls, this course will be included in the spring elective registration round.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Research, Writing and Analysis I

**Course #:** 2541      **Term:** 2014FA      **Faculty:** Taggart, Christopher      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

**Course Description:** This series of lectures and discussions is designed to introduce foreign-educated LL.M. students to the sources of U.S. law and the overall structure of the U.S. legal system, including the court system. These lectures and discussions serve to provide background information for students wishing to understand how U.S. lawyers analyze and frame legal positions and present their arguments and conclusions. Topics covered will include: how to read a case, the hierarchy of legal authorities, holdings vs. dicta, precedential argument by analogy, and American Legal Realism. The course will be taught by a team led by Christopher Taggart, with some guest lectures given by members of the Law School faculty, and will meet for a minimum of twelve hours during late August. This course will be graded Credit/Fail; attendance at all sessions is mandatory.  
Note: Enrollment is limited to foreign-educated LL.M. students.

## Legal Research, Writing and Analysis II

**Course #:** 2541      **Term:** 2014FA      **Faculty:** Taggart, Christopher      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 7:00 PM - 9:00 PM

HAU104

**Course Description:** This course introduces foreign-educated LL.M. students to the way U.S. lawyers analyze and frame legal positions, conduct legal research, and present their work in writing. (It presupposes the lectures and work completed in the LRWA I Perspectives series that occurs during late summer orientation.) During the fall semester, students learn research, writing, and analytical skills by (1) preparing legal memoranda, (2) becoming familiar with how to access legal research materials, and (3) completing exercises that emphasize legal writing skills. This course is limited to foreign-educated LL.M. students and is designed specifically for those who wish to qualify for the New York State Bar Exam.  
Note: Enrollment is limited to foreign-educated LL.M. students.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Research: Advanced

**Course #:** 2173      **Term:** 2014FA      **Faculty:** Wise, Virginia      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

### Location

WCC3016

WCC3016

**Course Description:** American legal research in the twenty-first century offers an often bewildering array of options. This course will offer an in-depth exposure to the dissemination and use of legal information in various formats, including print, Lexis, Westlaw, and the Internet. Emphasis will be placed on contemporary developments, Key Search, Bloomberg, and emerging Internet providers of information. The course will focus on practical techniques and strategies for research, but will include some examination of information policy issues. Students should find the course particularly useful to prepare for conducting third-year paper research, writing and editing for law reviews, participating in clinical courses, working as a faculty research assistant, serving a judicial clerkship, practicing law, or becoming a legal academic.

At the end of the course students should be able to find current and retrospective cases, records and briefs, verdicts, settlements and other litigation materials, statutes, administrative rules and regulations, administrative decisions, and periodical articles and books in print and online from any U.S. jurisdiction. Students will be able to compile legislative histories and use legal looseleaf services. They will be proficient in using online catalogs to retrieve materials both at Harvard and at other institutions. They will receive an introduction to an array of non-legal material available through Nexis, Harvard Libraries E Resources, and on Westlaw which may be useful for legal researchers.

The course will meet once each week for an hour and 30 minutes in a lecture setting and for one hour and 30 minutes each week in the computer lab. Students taking the course for three credits will be required to complete a series of eight research assignments throughout the term using print and online sources, two in-class quizzes announced in advance, and one short (20 page) paper. There is no final examination.

Students may elect to write a paper for 1 extra credit in this course. This paper may, but need not be, written to satisfy Option 1 of the J.D. Written Work Requirement. Students electing this option will be expected to complete an extensive (40-60 pages) research guide in a given subject area chosen by the student. This guide is intended to apply and synthesize the practical knowledge gained during the course.

Course materials will include a legal research textbook, the Bluebook, and supplementary materials distributed by the instructor.

Prerequisite: For LLM students only, permission from the instructor is required for enrollment.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Research: Advanced

**Course #:** 2173      **Term:** 2015SP      **Faculty:** Wise, Virginia      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

### Location

**Course Description:** American legal research in the twenty-first century offers an often bewildering array of options. This course will offer an in-depth exposure to the dissemination and use of legal information in various formats, including print, Lexis, Westlaw, and the Internet. Emphasis will be placed on contemporary developments, Key Search, Bloomberg, and emerging Internet providers of information. The course will focus on practical techniques and strategies for research, but will include some examination of information policy issues. Students should find the course particularly useful to prepare for conducting third-year paper research, writing and editing for law reviews, participating in clinical courses, working as a faculty research assistant, serving a judicial clerkship, practicing law, or becoming a legal academic.

At the end of the course students should be able to find current and retrospective cases, records and briefs, verdicts, settlements and other litigation materials, statutes, administrative rules and regulations, administrative decisions, and periodical articles and books in print and online from any U.S. jurisdiction. Students will be able to compile legislative histories and use legal looseleaf services. They will be proficient in using online catalogs to retrieve materials both at Harvard and at other institutions. They will receive an introduction to an array of non-legal material available through Nexis, Harvard Libraries E Resources, and on Westlaw which may be useful for legal researchers.

The course will meet once each week for an hour and 30 minutes in a lecture setting and for one hour and 30 minutes each week in the computer lab. Students taking the course for three credits will be required to complete a series of eight research assignments throughout the term using print and online sources, two in-class quizzes announced in advance, and one short (20 page) paper. There is no final examination.

Students may elect to write a paper for 1 extra credit in this course. This paper may, but need not be, written to satisfy Option 1 of the J.D. Written Work Requirement. Students electing this option will be expected to complete an extensive (40-60 pages) research guide in a given subject area chosen by the student. This guide is intended to apply and synthesize the practical knowledge gained during the course.

Course materials will include a legal research textbook, the Bluebook, and supplementary materials distributed by the instructor.

Prerequisite: For LLM students only, permission from the instructor is required for enrollment.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Research: International, Foreign, and Comparative

**Course #:** 2174      **Term:** 2015SP      **Faculty:** Wise, Virginia      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

### Location

**Course Description:** This course will provide an overview of research in international, foreign, and comparative law. As legal practice becomes more global, Harvard-educated lawyers need to be able to conduct research worldwide. The course should be especially valuable to students expecting to fill their third-year paper requirement on an international, foreign, or comparative law topic, journal editors editing and working on foreign and international materials, students planning to work in U.S. firms, government agencies, or NGOs with foreign or international concerns, or to work abroad.

Emphasis will be placed on the use of Internet, and online sources such as Lexis and Westlaw. Approximately half the course will explore formal international law by examining treaty research, both U.S. and non-U.S., and use of sources, such as the international law digests, Restatement on Foreign Relations, and United Nations documents. The European Union will serve as a model for doing research using regional organizations legal materials. Although it will obviously not be possible to cover all non-U.S. jurisdictions, the foreign law component of the course will use one non-U.S. common law jurisdiction and one civil law jurisdiction as paradigms of the structure of legal information in those systems. Students should be able to find legal materials, including books and periodicals, in English and foreign languages at Harvard and elsewhere around the world, upon completion of this course.

The course meets twice a week, one day in a lecture setting and one day in the computer lab. Students taking the course for three credits will be required to complete a series of eight legal research assignments requiring the use of print and online sources, take two quizzes announced in advance, and complete one short (20 page) paper. There is no final examination in this course. As with any study of international, foreign, or comparative law, some knowledge of a language other than English is useful, but not required for the course. Legal Research: Advanced is not a prerequisite for this course.

Students may elect to write a long paper for one hour extra credit in this course. Students electing this option will be expected to complete an extensive (40-60 page) research guide in a given subject area chosen by the student. This guide is intended to apply and synthesize the practical knowledge gained during the course.

Course materials will consist of a textbook, photocopied materials prepared by the instructor and publishers explanatory handouts.

Prerequisite: For LLM students only, they must have taken Introduction to American and International Legal Research or have permission of the instructor.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Research: Introduction to American and International Legal Research

**Course #:** 2175      **Term:** 2014FA      **Faculty:** Wise, Virginia      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Wed 8:10 AM - 10:10 AM

**Location**

WCC3019

**Course Description:** Designed for LL.M. students from countries other than the United States, this one-credit credit/fail course will be taught in two-hour modules for the first two months of the term. This course will cover sources of information about the location of cases, statutes, administrative regulations and decisions, books, and periodical articles. It will introduce computerized legal research aids such as Harvard Libraries E Resources, Westlaw, and Lexis. A limited overview of international law sources will also be offered. The course will emphasize actual use of the materials in a series of legal research exercises. Satisfactory completion of all exercises and two quizzes will be required.

Note: Enrollment is limited to LL.M. students from countries other than the United States.

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## Legal Thought Now: Law and the Structure of Society

**Course #:** 2389      **Term:** 2015SP      **Faculty:** Unger, Roberto      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**

Mon 1:00 PM - 3:00 PM

**Location**

**Course Description:** Law is the institutional form of the life of a people. Law connects the arrangements of society to the interests and ideals that make sense of them. This course studies law as an embodiment of the formative institutions and assumptions of society. It views legal thought as an instrument for reproducing or reforming this regime.

We begin with a discussion of what is distinctive about contemporary law and of how its most original ideas might be enlisted in the service of attempts to democratize the market and to deepen democracy. We discuss the now dominant practice of legal analysis -- the "reasoned elaboration" of law in the vocabulary of policy and principle -- and its limitations for understanding law and for using it to transformative effect. We explore the interplay, both now and in the past, between two approaches to law: law as the will of the sovereign, whether or not under democracy, and law as the working out, in legal doctrine, of an intelligible and defensible plan of social life. We consider how each of these approaches, as well as attempts to reconcile them, have accommodated to the actual organization of society, often left unjustified and unexplained. We relate the problems and prospects of legal thought to the task of imagining structural alternatives for society -- an attempt that classical social theory both embraced and restrained and that contemporary social science and political discourse have largely abandoned.

What results is a view radically different from the traditional agenda of Anglo-American jurisprudence.

Note: This course is jointly offered with the Faculty of Arts and Sciences (Department of Government) as Government 1096.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legal Writing: Advanced

**Course #:** 2178      **Term:** 2014FA      **Faculty:** Burling, Philip      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Mon 3:20 PM - 4:20 PM	LEW102
Wed 3:20 PM - 4:20 PM	LEW102

**Course Description:** This course provides advanced training in legal writing across the range of situations typically met by the practicing lawyer and in the ways that different types of legal writing help to solve clients problems. Using the format of a small class and one-on-one sessions with the instructor, this course will examine the way that practicing lawyers use writing for the varying types of tasks which they perform. The course asks students to distinguish between the types of writing that lawyers use for transactions, litigation, statutes, and client communication and helps them to decide how to use those four types of legal writing in particular situations. Each class session will explore a factual situation that calls for a type of legal writing. After each class, there will be a short writing assignment asking the student to deal with the problem in a paper using the relevant type of legal writing. Between classes, students will meet with the instructor to go over his comments and edits in the way that a junior lawyer can expect to meet with a superior in a law office.

Prerequisite: For LLM students only, instructor permission is required.

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## Legislation and Regulation 1

**Course #:** 1003      **Term:** 2014FA      **Faculty:** Davies, Susan      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Thu 9:50 AM - 11:50 AM	PND101
Fri 9:50 AM - 11:50 AM	PND101

**Course Description:** Legislation and Regulation is an introduction to lawmaking in the modern administrative state. It will examine the way Congress and administrative agencies adopt binding rules of law (statutes and regulations, respectively) and the way that implementing institutions -- courts and administrative agencies -- interpret and apply these laws. It will consider, in particular, the justifications for modern regulation, the structure of the modern administrative state, the incentives that influence the behavior of the various actors, and the legal rules that help to structure the relationships among Congress, the agencies, and the courts.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legislation and Regulation 2

**Course #:** 1003      **Term:** 2015SP      **Faculty:** Freeman, Jody      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Course Description:** This course is an introduction to lawmaking in the modern administrative state. It will examine the legislative process by which Congress passes statutes; theories of statutory interpretation (including purposivism and textualism); tools and techniques of statutory construction (including semantic canons, substantive canons and the use of legislative history); the structural position of administrative agencies in the constitutional system; the process of agency rulemaking; and judicial review of agency action.

## Legislation and Regulation 3

**Course #:** 1003      **Term:** 2015SP      **Faculty:** Gersen, Jacob      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

**Course Description:** This course is an introduction to lawmaking in the administrative state, including the enactment of rules by legislatures and administrative agencies, and the interpretation of statutes by administrative agencies and courts. We will study the architecture of the federal administrative state, the institutional dynamics of federal administrative policymaking, and the legal rules that structure relationships between and among legislatures, agencies, courts and other actors.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legislation and Regulation 4

**Course #:** 1003      **Term:** 2015SP      **Faculty:** Tushnet, Mark      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Course Description:** This course is an introduction to lawmaking in the modern administrative state. It will examine how Congress and executive agencies adopt binding rules of law (statutes and regulations, respectively) and the way that implementing institutions -- courts and agencies -- interpret and apply these rules. The course will consider theories and tools of statutory interpretation, the structure of the modern administrative state, the incentives that influence the behavior of the various actors, and the laws that structure the relationships among Congress, the agencies, and the courts.

## Legislation and Regulation 5

**Course #:** 1003      **Term:** 2015SP      **Faculty:** Vermeule, Adrian      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Course Description:** This course is an introduction to lawmaking in the administrative state, including the enactment of rules by legislatures and administrative agencies, and the interpretation of statutes by administrative agencies and courts. We will study the architecture of the federal administrative state, the institutional dynamics of federal administrative policymaking, and the legal rules that structure relationships between and among legislatures, agencies, courts and other actors.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legislation and Regulation 6

**Course #:** 1003      **Term:** 2014FA      **Faculty:** Elhauge, Einer      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Mon 10:40 AM - 12:00 PM

Tue 10:40 AM - 12:00 PM

Wed 10:40 AM - 12:00 PM

### Location

WCC2004

WCC2004

WCC2004

**Course Description:** This course is an introduction to lawmaking in the administrative state, including the enactment of rules by legislatures and administrative agencies, and the interpretation of statutes by administrative agencies and courts. We will study the architecture of the federal administrative state, the institutional dynamics of federal administrative policymaking, and the legal rules that structure relationships between and among legislatures, agencies, courts and other actors.

## Legislation and Regulation 7

**Course #:** 1003      **Term:** 2014FA      **Faculty:** Stephenson, Matthew      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Wed 8:20 AM - 9:40 AM

Thu 8:20 AM - 9:40 AM

Fri 8:20 AM - 9:40 AM

### Location

WCC1015

WCC1015

WCC1015

**Course Description:** Legislation and Regulation is an introduction to lawmaking in the modern administrative state. It will examine the way Congress and administrative agencies adopt binding rules of law (statutes and regulations, respectively) and the way that implementing institutions -- courts and administrative agencies -- interpret and apply these laws. The course will cover, among other topics, the justifications for modern regulation, the structure of the modern administrative state, the incentives that influence the behavior of the various actors, and the legal rules that help to structure the relationships among Congress, the agencies, and the courts.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Legislative Lawyering in Education

**Course #:** 2063      **Term:** 2015SP      **Faculty:** Gregory, Michael; Cole, Susan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Required Clinic Component: Education Law Clinic (2-4 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course. Additional Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: January 16, 2015. LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.

Students must attend a mandatory orientation session before the beginning of classes on Saturday, January 24, 2015 from 9am-2pm.

In this seminar, which is associated with the Education Law Clinic's Legislative and Administrative Lawyering, students will learn the theory and practice the skills that will enable them to be effective legislative and administrative lawyers in the area of education. Students will learn how to identify and understand systemic problems, assess the educational systems response to at-risk children, and reflect on the challenges and rewards of interdisciplinary advocacy at the intersection of the fields of law, education, neurobiology, psychology, and public policy. The seminar will cover several general substantive areas related to legislative and administrative lawyering: the constitutional roles and powers of the General Court, the executive branch and administrative agencies in Massachusetts, House and Senate procedure, the state budget process, and lobbying. The readings and activities in this seminar are designed to support and encourage reflection on the legislative lawyering skills that students will develop and practice in their clinical work, including: identifying and researching a problem, proposing solutions and approaches, developing and drafting a desired legislative remedy, learning who the stakeholders are in the education establishment, accurately assessing the political and legal landscape surrounding the desired remedy, building a vibrant and effective coalition, engaging in oral presentations and negotiations, and analyzing ethical issues that arise in legislative and administrative advocacy. The seminar will also introduce students to distinguished guest speakers from practice. The goal is for students to learn the unique role lawyers can play as part of a movement to create effective remedies for at-risk children.

There is no final examination for this course; students will prepare a presentation in which they lead a discussion with their colleagues based on an interesting issue or problem they encountered in their clinic advocacy during the semester. All students are required to attend a mandatory 9am-2PM orientation session before the beginning of classes on Saturday, January 24, 2015.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## LGBT Flashpoints - Litigation, Policy and Persuasion

**Course #:** 2494      **Term:** 2015SP      **Faculty:** Bonauto, Mary      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This course will address substantive and strategic issues related to a number of current issues affecting efforts to obtain legal equality for LGBT people. Topics may change, but will likely include litigating for heightened scrutiny for sexual orientation classifications in constitutional litigation, efforts to undo the Federal Defense of Marriage Act, the fight for the freedom to marry for same-sex couples in state and federal courts, state legislatures and in ballot contests, efforts to obtain familial status apart from marriage, prominent issues in litigating and legislating non-discrimination and parenting issues, federal legislative efforts including the Employment Non Discrimination Act, brewing school curriculum battles, and analysis of the religious liberty narrative.

Note: The reading group will meet on the following dates: TBD.

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## Life After Conviction and Incarceration

**Course #:** 2724      **Term:** 2015SP      **Faculty:** Starr, Sonja      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Criminal Law & Procedure

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** The consequences of a criminal conviction do not end with the completion of the sentence. This reading group will explore the vast web of "collateral" consequences faced by people with criminal records, which include loss of government benefits, occupational restrictions, registration and notification requirements, residency restrictions, deportation, social stigma, and disadvantages in private employment and housing markets. We will also examine other legal and policy tools (from traditional parole supervision to recent innovations in the "reentry" field) that seek to manage the transition of former prisoners into the community and reduce recidivism rates. Readings will include a mixture of case law (addressing legal challenges to collateral-consequence policies) and social science literature.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Litigating in the Family Courts: Domestic Violence and Family Law Clinic

**Course #:** 8032      **Term:** 2014FA      **Faculty:** Odim, Nnena      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Litigating in the Family Courts: Domestic Violence and Family Law Clinical Seminar (2 fall credits). This clinic and class enrollment are bundled - your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: September 3, 2014.

LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.

Placement Site: WilmerHale Legal Services Center (Jamaica Plain).

Students in the Domestic Violence and Family Law Clinic work directly with clients in matters of divorce, custody and visitation, abuse prevention, paternity, child support, guardianship, and second parent adoptions. Under close supervision of the clinical instructor, students manage all aspects of a family law case, including counseling clients, conducting factual investigation and legal research, developing case strategies, conducting and analyzing discovery, and drafting pleadings. In addition, students may have multiple court appearances in both Family and District Courts for motion hearings, restraining orders, pre trial conferences, and/or status conferences. In addition, students negotiate directly with opposing attorneys, pro se opponents, and in court-mandated "dispute resolution" sessions. In cases scheduled for full trial, students conduct depositions, develop witness and exhibit lists, trial strategies and trial notebook, prepare and conduct direct- and cross-examinations of witnesses, make opening statements and closing arguments, and/or draft post-trial briefs and memoranda. Students may also have the opportunity to prepare and present trainings and workshops on relevant legal issues to health care providers and domestic violence advocates.

The Family Law Clinic addresses issues of custody, visitation, child and spousal support, health and life insurance, and the equitable division of marital property and debt in the context of divorce, paternity, modification, contempt, guardianship, and adoption actions. The clinic also provides some direct legal services to the LGBT community, with a particular emphasis on family-related legal issues, such as custody, support and visitation, and second-parent adoptions.

The Domestic Violence Clinic focuses on abuse prevention, safety, and making sure that domestic violence is not a barrier to a clients legal rights regarding custody, property division, and other aspects of family and domestic relations.

In addition to direct legal services, the Clinic actively participates in creating systemic change and policy reform to ensure safety for domestic violence victims and survivors, and to improve overall justice in the field of domestic relations.

Due to the litigation emphasis of the clinics and court-related schedules, students are strongly encouraged to enroll for 3 or 4 clinical credits, however, students who can only enroll for 2 credits will be accommodated.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Litigating in the Family Courts: Domestic Violence and Family Law Clinic

**Course #:** 8032      **Term:** 2015SP      **Faculty:** Odum, Nnena      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Litigating in Family Courts: Domestic Violence and Family Law Clinical Seminar (2 spring credits). This clinic and class enrollment are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
Students in the Domestic Violence and Family Law Clinic work directly with clients in matters of divorce, custody and visitation, abuse prevention, paternity, child support, guardianship, and second parent adoptions. Under close supervision of the clinical instructor, students manage all aspects of a family law case, including counseling clients, conducting factual investigation and legal research, developing case strategies, conducting and analyzing discovery, and drafting pleadings. In addition, students may have multiple court appearances in both Family and District Courts for motion hearings, restraining orders, pre trial conferences, and/or status conferences. In addition, students negotiate directly with opposing attorneys, pro se opponents, and in court-mandated "dispute resolution" sessions. In cases scheduled for full trial, students conduct depositions, develop witness and exhibit lists, trial strategies and trial notebook, prepare and conduct direct- and cross-examinations of witnesses, make opening statements and closing arguments, and/or draft post-trial briefs and memoranda. Students may also have the opportunity to prepare and present trainings and workshops on relevant legal issues to health care providers and domestic violence advocates.  
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Due to the litigation emphasis of the clinics and court-related schedules, students are strongly encouraged to enroll for 3 or 4 clinical credits, however, students who can only enroll for 2 credits will be accommodated.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Litigating in the Family Courts: Domestic Violence and Family Law Clinical Seminar

**Course #:** 2085      **Term:** 2014FA      **Faculty:** Odum, Nnena      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC5050

**Course Description:**

Required Clinic Component: Litigating in the Family Courts: Domestic Violence and Family Law Clinic (2-4 fall credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: September 3, 2014.

LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll. The Domestic Violence and Family Law clinical course provides students who are concurrently enrolled in the Legal Services Center Domestic Violence and Family Law Clinic, with the practical skills and substantive knowledge necessary to effectively advocate for their clients in and out of the courtroom. Objectives of the course include: developing practical lawyering skills to be applied in the clinical component and beyond; understanding the statutory and case law applicable in family law litigation; enhancing student understanding of the professional roles, values, and ethics involved in the practice of law; gaining insight into the unique challenges of low-income clients and victims of domestic violence; as well as analyzing and proposing legal advocacy approaches to contemporary family law issues. The course emphasizes a collaborative health-law approach to advocating for our client populations.

This course is hands-on and group-oriented. Most classes involve both small and large-group exercises and discussions. Throughout the course, students work on a hypothetical case from the initial client interview through the final disposition of the case. In a series of simulated group exercises, students conduct in-depth interviews with the client, write memoranda, prepare case and client theories, argue for and defend against Motions, manage discovery, counsel the client as the facts of the case evolve, engage in settlement negotiations on the client's behalf, and reflect on ethical issues encountered during the course of representation. In addition, students will prepare a memorandum and conduct a substantive presentation on one of their active real life cases at the Legal Services Center, and will lead class discussion on the case and on the larger ethical and legal questions it presents. There is no final examination or final paper for this course. Students will be evaluated based on their preparation for, and participation in, class exercises and discussions.

Due to the litigation emphasis of the clinics and court-related schedules, students enrolled in this course are strongly encouraged to enroll for 3 or 4 clinical credits, however, students who can only enroll for 2 credits will be accommodated.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Litigating in the Family Courts: Domestic Violence and Family Law Clinical Seminar

**Course #:** 2085      **Term:** 2015SP      **Faculty:** Odum, Nnena      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Required Clinic Component: Litigating in the Family Courts: Domestic Violence and Family Law Clinic (2-4 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll. The Domestic Violence and Family Law clinical course provides students who are concurrently enrolled in the Legal Services Center Domestic Violence and Family Law Clinic, with the practical skills and substantive knowledge necessary to effectively advocate for their clients in and out of the courtroom. Objectives of the course include: developing practical lawyering skills to be applied in the clinical component and beyond; understanding the statutory and case law applicable in family law litigation; enhancing student understanding of the professional roles, values, and ethics involved in the practice of law; gaining insight into the unique challenges of low-income clients and victims of domestic violence; as well as analyzing and proposing legal advocacy approaches to contemporary family law issues. The course emphasizes a collaborative health-law approach to advocating for our client populations.  
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Due to the litigation emphasis of the clinics and court-related schedules, students enrolled in this course are strongly encouraged to enroll for 3 or 4 clinical credits, however, students who can only enroll for 2 credits will be accommodated.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Local Government Law

**Course #:** 2181      **Term:** 2015SP      **Faculty:** Frug, Gerald      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

**Course Description:** This course examines the possibility and desirability of decentralization of power in America. In the process of doing so, it focuses on issues such as federal and state control of city decision-making, the conflict between central cities and suburbs and among the suburbs themselves, alternatives to city-delivered services and to city taxation as a source of local revenue, and the ways in which racial and ethnic division fracture American metropolitan areas. Above all, this is a course about local democracy. For that reason, among others, active class participation is an integral part of the course and will be expected of every student enrolled in it.

Text: Frug, Ford and Barron, Local Government Law (5th ed. 2009/10).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Making Legal History

**Course #:** 2666      **Term:** 2014FS      **Faculty:** Rosenberg, David      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal History

**Delivery Mode:** Seminar

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC3019

**Course Description:** The theme of this course is a variation on Josephine Tey's *The Daughter of Time*. Instead of the trained skepticism of a police detective, we will apply that of a lawyer to determine the validity of a major piece of contemporary received historical wisdom. The focus of study will be on the prevailing account of the theory of torts developed by Oliver Wendell Holmes. According to that account, Holmes emphatically rejected strict liability in favor of the negligence rule on moral and pragmatic grounds; indeed to economically subsidize nascent American industry, he is said to have led the opposition to adopting the expansive English rule of *Rylands v. Fletcher*. Our inquiry will ripen into a genuine whodunit upon discovery that much of the historical record has been hidden and distorted by the contemporary histories of it. To solve this mystery, to figure out the who, how, when and why of it, we will examine the available evidence, some presented in distributed materials, but most derived from archival and more conventional legal and non-legal research. With legal history courses proliferating, and historical arguments exerting increasing influence on judicial decisions, our case study of the history of Holmes's thinking can serve as an object lesson in the well-known but too often neglected rule of good practice: check the sources. Class meetings will take place every other week in the fall and spring semesters. During the intervals between meetings, students will conduct research and write memos detailing and analyzing their findings. Class discussions will be devoted to critically evaluating the research reports and analyses and to mapping further lines of investigation. The final grade will be based on the memos and class participation. My research on this matter is reported in *The Hidden Holmes: His Theory of Torts in History* (1995). I request that those interested in enrolling not read my book nor any accounts of it, before they are assigned as class readings. Beyond a contrarian spirit and enjoyment of treasure hunts, there are no prerequisites for enrolling in the course.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Management and Leadership Skills for Lawyers

**Course #:** 2547      **Term:** 2015SP      **Faculty:** Friedman, David      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Mon 7:10 PM - 9:10 PM

**Course Description:** This Reading Group will study the practical, policy and ethical dimensions of management in various organizational settings, with a heavy emphasis on practical understanding and skills.

Attorneys can - and should - develop management and legal skills from their very first day in practice. As your legal career advances, in the future you may be entrusted to run a government agency (or an entire government), a law firm, a non-profit organization, a company's in-house law department, a court system, or a smaller division of any of these. We will study the various challenges and keys to success that face managers and leaders, with a special eye to ways in which lawyers are unique and face special challenges when serving in those roles.

The class is taught by David Friedman, Senior Vice President/Special Counsel for the Boston Red Sox, and former First Assistant Attorney General of Massachusetts. The class will explore issues that arise in all types of settings, including government agencies, for-profit companies, non-profit organizations, and law firms. We will be joined by special guests for several sessions who will share their own stories and experiences of managing and leading in different contexts, and will address the relevance of environment, experience, race and gender when it comes to management and leadership.

While course readings will include materials on principles and theory, classroom sessions will focus on real-life case studies and hypothetical problems designed to build awareness and habits that prepare you for management roles. And until you become a supervisor, understanding how managers and leaders function will better prepare you to be an effective counsel and to understand the people and entities with whom you work and interact.

Some of the specific questions and topics we will examine include:

- How do you set goals and measure performance for attorneys when so much of what attorneys do cannot be easily quantified (providing sound judgment and counsel, pursuing justice, preventing disputes, etc.)?
- What management and communication styles work most effectively in various settings and circumstances?
- What decisionmaking approaches can managers and leaders use to facilitate good, sound decisions?
- How can managers handle situations over which they have limited direct authority and control?
- How can lawyers excel as leaders?
- How can managers successfully create change in their organizations?
- How can junior attorneys develop leadership skills and practices that will prove valuable later on in their careers - and what are those key skills and best practices?

The class will meet on Monday evenings from 7:10 p.m. to 9:10 p.m., for 6 sessions over the course of the semester.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Mediation

**Course #:** 2183

**Term:** 2015SP

**Faculty:** Hoffman, David

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 4:00 PM - 7:00 PM

**Course Description:**

Mediation is having an increasingly profound impact on the way law is practiced in the U.S. and internationally, and clients expect both transactional lawyers and litigators to have a working knowledge of the mediation process. This course focuses on the theory and practice of mediation. Students will have opportunities to try mediating and serving as an advocate in mediation. The readings and discussion will address legal, ethical and policy issues arising from the use of mediation -- such as confidentiality and privilege, credentialing of mediators, the institutionalization of mediation in courts and world of business, differing styles of mediation and mediation advocacy, and the role of gender, class, culture and psychology in the mediation process. Students will write a research paper in lieu of a final exam. Students will also do some writing during the semester about the readings -- approximately one page per week.

There is no required text other than photocopied materials.

Some seats are reserved for students enrolled in the spring Mediation Clinic. Students must be enrolled in the clinic before they can claim one of these reserved seats. A student's enrollment in a reserved clinical seat is dependent on the student's enrollment in the Mediation Clinic. Please see the clinic's description for more information.

Students enrolled in the Mediation Clinic are required to attend one of the two 32-hour training sessions offered by the Harvard Mediation Program. The first session will occur on TBD. The second training session will occur on TBD. For more information, contact Prill Ellis, Clinical Supervisor at [prillellis@gmail.com](mailto:prillellis@gmail.com), call the HMP office at 617-494-1854, or stop by HMP located in Pound Hall, Room 521.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Mediation Clinic

**Course #:** 8026      **Term:** 2015SP      **Faculty:** Hoffman, David      **Credits:** 1.00

**Type:** HLS Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Mediation (3 spring credits). Once a student enrolls in this clinic, the Office of Clinical and Pro Bono Programs will enroll them in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students are not eligible to apply.  
Placement Site: HLS.  
Mandatory Trainings: All students must attend mandatory training sessions on September 27-28 and October 18-19.  
Clinic placements are with the Harvard Mediation Program (HMP), where students are given an opportunity to observe and conduct mediations in small claims courts in the Boston area. Clinic students must complete HMPs 32-hour basic mediation training and mediate or observe in small claims court every week during the spring semester and work one hour per week in the HMP office. The court commitment is the same day and time every week [see HMP application for court schedules] and usually requires about three hours, including travel time. Clinic students also keep a weekly journal reflecting on their mediation experiences and write a short final report at the end of the semester. The HMP mediation training is required of all students, and will occur during two full weekends (Saturday & Sunday) on September 27-28 and October 18-19.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Mergers, Acquisitions, and Split-Ups

**Course #:** 2186      **Term:** 2014FA      **Faculty:** Clark, Robert; Strine Jr., Leo      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**

Mon 5:00 PM - 7:00 PM

Tue 5:00 PM - 7:00 PM

**Location**

AUS101

AUS101

**Course Description:** This course, co-taught by a corporate law professor (who is also a director) and the Chief Justice of the Delaware Supreme Court, will focus on the law affecting corporate mergers and acquisitions (including both third-party and going-private deals), and divestitures such as spin-offs and split-ups. Though state law will be heavily emphasized, it will also touch upon relevant parts of securities law, tax law, corporate finance theory, and laws affecting cross border M&A. The course will also deal substantially with merger agreements, considered as contracts, and with the important contractual principles and issues relevant to most M&A deals, as well as the business aspects of breakup plans. The course will have a practical bent and will address the real-world problems faced by parties contemplating, attempting, or resisting acquisitions and divestitures, as well as the policy dilemmas faced by courts called upon to assess such transactions. To further this goal, several key classes will involve the participation of leading practitioners.

Prerequisites: JD students should have already taken Corporations; LLM students should have had a comparable basic business organization course, or relevant background and experience, or should be contemporaneously taking the basic Corporations course; cross-registering Business School students (whom the co-teachers very much welcome) need not have taken Corporations; cross-registrants from other parts of Harvard should seek permission from Professor Clark.

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## Monetary Unions as a Matter of Governance: The Euro-zone

**Course #:** 2683      **Term:** 2014FA      **Faculty:** Desan, Christine      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC3015

**Course Description:** This reading group will explore the governance issues raised by the Euro-zones ongoing fiscal crisis. We will consider the debate over the Euro-zones design at the outset, the way events have altered that debate, and challenges that monetary union poses for democratic self-determination. If time allows, we will use the federation process in the U.S. as a comparison.

Note: The reading group will meet on the following dates: 9/17, 10/8, 10/22, 11/5, 11/19, 12/3.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Money, Governance, and Globalization

**Course #:** 1019      **Term:** 2015SP      **Faculty:** Desan, Christine      **Credits:** 4.00

**Type:** 1L International  
Comparative  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

### Location

**Course Description:** This course approaches money as a legal institution and aspect of governance in a globalizing world. We will consider the international architecture of our monetary system, including the spread of central banks, the dominant role of the dollar as a reserve currency, and legal disputes over sovereign debt. We will take a comparative approach to another set of issues, including monetary unions, sovereign and non-sovereign currencies, and micro-finance. In each topic area, we will consider how law and legal theory affect, define, or undermine the current order.

Note: This is one of the 1L required international or comparative courses and is only available to HLS first-year and LLM students.

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## Music and Digital Media

**Course #:** 2189      **Term:** 2015SP      **Faculty:** Bavitz, Christopher      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Seminar

### Days and Times:

Mon 5:00 PM - 7:00 PM

### Location

**Course Description:** This course explores a variety of legal issues relating to the creation, exploitation, and protection of music and other content. The seminar focuses on traditional legal regimes and business models and the ways in which new technologies (particularly the evolution of digital media and the Internet) have affected legal and business strategies involved in the making and distribution of content. The course's primary emphases are music and the ways in which legal principles manifest themselves in practice in the music industry. The seminar builds off a discussion of music rights to address issues surrounding content rights in other contexts, and it reviews the ways in which traditional concepts and practices in this area are challenged by and evolving in the digital world. The course balances discussions of big-picture doctrinal, policy, and theoretical considerations with a focus on day-to-day legal and business practices and specific skills (transactional, client counseling, and litigation) that are relevant to practitioners in this area.

A prior course or other background in copyright law would be useful but is not required.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## National Security Law

**Course #:** 2190      **Term:** 2014FA      **Faculty:** Baker, James      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Criminal Law & Procedure; Government Structure & Function; International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

HAU105

**Course Description:** This reading group will address various aspects of the law governing national security. Topics will include electronic surveillance conducted pursuant to the Foreign Intelligence Surveillance Act (FISA), detention and interrogation of suspects, covert action, investigative tools authorized under the USA PATRIOT Act, and related topics. National security law is often inaccessible, and can be particularly hard to follow when divorced from the context of historical tradition, governmental structures, and the operational reality in which it functions. The course will aim to present national security law in context, exposing students as much as possible to the real-world effects of applicable legal standards and rules.

Prerequisite: Enrollment is by permission of instructor. Interested students should email a CV and statement of interest to Mr. Baker at [jimbaker1234@yahoo.com](mailto:jimbaker1234@yahoo.com) no later than Monday, August 25.

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## National Security Law: Legal Frameworks and National Security Decision-making

**Course #:** 2191      **Term:** 2015SP      **Faculty:** Zarate, Juan      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Government Structure & Function; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

**Course Description:** This course will explore legal frameworks in national security policy and decision making. Legal frameworks and lexicon -- involving definitions and interpretations of evidence, burdens and standards of proof, and legal presumptions -- are often embedded in national security decision-making. These elements, which are fundamental to legal training and jurisprudence, are often incorporated into major national security policymaking, discourse, and diplomacy and are affected directly by the risk calculus applied by policymakers -- especially after 9/11. The course will review how these issues emerge in, affect, and can complicate policies related to terrorism, attribution of threats and attacks, international sanctions, and decisions to intervene globally or use military force. Particular attention will be paid to the domestic and international debate regarding the decision to intervene in Syria, the treatment of terrorist suspects, the use of targeted financial sanctions against terrorist supporters, the Iraq war, sanctions intended to isolate nation states like Iran and North Korea, and responses to cyber and physical attacks. Active participation in classroom discussions, to include scenario-based debates, is required along with two short (3-5 page) papers.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Natural Law and Positive Law

**Course #:** 2192      **Term:** 2015SP      **Faculty:** Sargentich, Lewis      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** We will look briefly at the classical debate between exponents of natural law (Thomas Aquinas) and positive law (John Austin). Then we will focus on debates in contemporary jurisprudence between legal positivists (H.L.A. Hart, Joseph Raz) and their opponents (Lon Fuller, Ronald Dworkin, John Finnis). The question throughout is: what is laws relation to morality?

Class will meet every other week for two hours, there will be no paper or exam, and class will be graded credit/fail.

Note: The reading group will meet on the following dates: TBD.

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## Negotiation and Mediation Clinical Seminar

**Course #:** 2194      **Term:** 2014FA      **Faculty:** Emery, Alonzo      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

LEW301

**Course Description:** Required Clinic Component Harvard Negotiation and Mediation Clinic (2-4 fall credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: Negotiation Workshop. Students must enroll in Negotiation Workshop separately from clinic enrollment. There is no clinic preference or priority to enroll in Negotiation Workshop. Failure to meet the co-/pre requisites by the clinic' add/drop deadline will result in the student being dropped from the clinic and this required course.

By Permission: No.

Add/Drop Deadline: August 8, 2014.

LLM Students: Due to the pre-requisite, LLM students are not eligible to apply.

This 1-credit seminar is the required classroom component for students doing work through the Negotiation & Mediation Clinical Program during the fall of 2014. Students will read and discuss works related to the various models for conducting conflict assessments, designing dispute systems, and working as a lawyer to be an effective deal-design architect. In addition, readings and discussions will focus on the practical and ethical quandaries and special challenges faced by professionals in conflict resolution, mediation, and dispute systems design. Some sessions will require students to present problems related to the clinical work in which they are currently engaged to the members of the class for discussion and brainstorming. The 1-credit class will be front-loaded with weekly meeting times for the first part of the semester and fewer or no class sessions in the second half of the semester in order to allow students to focus more intently on their clinical work.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Negotiation Workshop

**Course #:** 2195      **Term:** 2015SP      **Faculty:** Darwin, Florrie      **Credits:** 4.00

**Type:** Multi-section  
Course      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Wed 3:20 PM - 7:30 PM

Thu 3:20 PM - 7:30 PM

### Location

**Course Description:** \*Cross-Registrants: Please note that students interested in cross-registering must participate in the application process (see below for more information on how to apply). The deadline to apply is October 6, 2014.

Most lawyers, irrespective of their specialty, must negotiate. Litigators resolve far more disputes through negotiation than by trials. Business lawyers -- whether putting together a start-up company, arranging venture financing, or preparing an initial public offering -- are called upon to negotiate on behalf of their clients. Public interest lawyers, in-house counsel, government attorneys, criminal lawyers, tort lawyers, and commercial litigators all share the need to be effective negotiators.

This Workshop, by combining theory and practice, aims to improve both the participants' understanding of negotiation and their effectiveness as negotiators. Drawing on work from a variety of research perspectives, the readings and lectures will provide students with a framework for analyzing negotiations and tools and concepts useful in negotiating more effectively. Participants will spend much of their time in a series of negotiation exercises and simulations, where as negotiators and critical observers, they will become more aware of their own behavior as negotiators and learn to analyze what works, what does not work, and why.

The Workshop is intensive and time-consuming. It meets Wednesdays and Thursdays from 3:20 p.m. to 7:30 p.m. In addition, students will need to be present for exercises for portions of two weekends during the term. These sessions are required.

The Workshop will be limited to 144 students who will be divided into six working groups of 24 each. Plenary sessions of the full class will be devoted to demonstrations, discussion problems, lectures, video and film. Much of the time devoted to exercises and simulations will take place in the smaller working groups, each of which will be led by an experienced instructor and a teaching assistant.

No fewer than 30 spots will be reserved for 1Ls. 1Ls will be admitted to the course through an application process during the fall semester. The remainder of the slots will be open to all 2Ls, 3Ls, LL.M.s and cross-registrants who will be interspersed within the working groups.

LLM and cross-registrant students may apply online for the workshop. The deadline to apply is noon on Monday, October 6, 2014. For more information please visit the course website: <http://blogs.law.harvard.edu/hnmcp/negotiation-workshop/>.

In addition to participating in the daily activities, students will be expected to keep a journal and write a short paper. The journal is submitted weekly. This course has no final examination.

During the first week of the Workshop, upperclass and LL.M. students will be given an opportunity to elect to take the Workshop on a credit/fail basis. For cross-registrants, the availability of the credit/fail option is dependent on the policies of their home school.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

**2014-2015 Academic Year**

Please note:

The Workshop has an early drop deadline of December 5, 2014. The course may not be dropped after December 5, 2014 without the written permission of the instructor and students who drop after this date will receive a WD on their transcript.

For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Negotiation Workshop

**Course #:** 2195      **Term:** 2015WS      **Faculty:** Mnookin, Robert      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 9:00 AM - 5:00 PM

Tue 9:00 AM - 5:00 PM

Wed 9:00 AM - 5:00 PM

Thu 9:00 AM - 5:00 PM

Fri 9:00 AM - 5:00 PM

### Location

**Course Description:** \*Cross-Registrants: Please note that students interested in cross-registering must participate in the application process (see below for more information on how to apply). The deadline to apply is October 6, 2014.

Most lawyers, irrespective of their specialty, must negotiate. Litigators resolve far more disputes through negotiation than by trials. Business lawyers -- whether putting together a start-up company, arranging venture financing, or preparing an initial public offering -- are called upon to negotiate on behalf of their clients. Public interest lawyers, in-house counsel, government attorneys, criminal lawyers, tort lawyers, and commercial litigators all share the need to be effective negotiators.

This Workshop, by combining theory and practice, aims to improve both the participants understanding of negotiation and their effectiveness as negotiators. Drawing on work from a variety of research perspectives, the readings and lectures will provide students with a framework for analyzing negotiations and tools and concepts useful in negotiating more effectively. Participants will spend much of their time in a series of negotiation exercises and simulations, where as negotiators and critical observers, they will become more aware of their own behavior as negotiators and learn to analyze what works, what does not work, and why.

The Workshop is intensive and time-consuming. Participants should have no other work commitments during the winter term. Specifically, participants should be available each day from 9:00am until 5:00pm (although class will often end earlier). There will be simulations and videotaping on some evenings and some weekends. Class attendance is essential and required at all sessions including the evening and weekend sessions. Students may not take the Workshop if they have other courses that conflict with the daily hours or with any other significant obligation during the winter term. There will be no classes during the spring term. Class attendance is required at all sessions, and please particularly note participants cannot miss any of the first day. The Workshop will begin at 9:00 a.m. sharp on Monday, January 5, 2015. No one will be admitted to or allowed to complete the course who is not present when the course begins. Participants should adjust their travel plans accordingly.

The Workshop will be limited to 144 students who will be divided into six working groups of 24 each.

LLM and cross-registrant students may apply online for the workshop. The deadline to apply is noon on Monday, October 6, 2014. For more information please visit the course website: <http://blogs.law.harvard.edu/hnmcp/negotiation-workshop/>.

Plenary sessions of the full class will be devoted to demonstrations, discussion problems, lectures,

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

video and film. Much of the time devoted to exercises and simulations will take place in the smaller working groups, each of which will be led by an experienced instructor and a teaching assistant.

In addition to participating in the daily activities, students will be expected to keep a journal and write a short paper. The journal is submitted weekly. This course has no final examination and the short paper will be due during the spring semester in light of the intensity of the Workshop during the winter term.

During the first week of the Workshop, JD and LLM students will be given an opportunity to elect to take the Workshop on a credit/fail basis. For cross-registrants, the availability of the credit/fail option is dependent on the policies of their home school.

Please note:

The Workshop has an early drop deadline of November 4, 2014. The course may not be dropped after November 4, 2014 without the written permission of the instructor and students who drop after this date will receive a WD on their transcript.

The credit breakdown for this seminar is as follows: four total credits with three credits awarded in the winter and one credit awarded in the spring.

For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Orthodoxy: Truth, Authority, Law

**Course #:** 2297      **Term:** 2014FS      **Faculty:** Ahmed, Shahab      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

LEW102

**Course Description:** This course explores the concept and the social and intellectual phenomenon of orthodoxy (literally: true opinion or straitened belief). Orthodoxy is commonly defined as truth or sound belief according to an authoritative norm (Encyclopaedia of Religion). The aim of the course is, in the first instance, to stimulate students to think deeply about how truth-claims come to be established in community as authoritative, normative and natural; that is, as the truth - exemplified in the phrase, We hold these truths to be self-evident. It is further to stimulate students to think about the social and discursive consequences of truth - how society behaves with truth, and how truth behaves' in society. The relationship between truth and authority will be treated through a close reading of relevant theory and case studies drawn from different fields (including history, philosophy, literary criticism, cultural studies, sociology, psychology, religion, history of science, media studies, and jurisprudence) with particular attention to the influence of social, institutional, political and discursive formations. Students should emerge from the course with an informed understanding of the processes by which truth is effected, affected and invested, and with a developed ability to interrogate and deconstruct that which is presented as being true, normative and just.

Note: This course will meet every other Tuesday for the full year, beginning September 9 for the fall and January 27 for the spring term.

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## Partnership Tax

**Course #:** 2298      **Term:** 2014FA      **Faculty:** Ponda, Aameek Ashok      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Taxation

**Delivery Mode:** Course

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

HAU102

**Course Description:** This course is a study of the federal income tax treatment of partners and partnerships, as well as limited liability companies and their members. Topics include: choice of entity and federal tax classification; partnership formation and acquisition of partnership interests for property or services; partnership capital accounting and taxation for normal operations; transactions between partners and partnership; distribution of cash and partnership assets to partners; sales of partnership interests; and death or retirement of a partner. In addition, attention is given to comparisons with the tax treatment of C and S corporations.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Patent Law

**Course #:** 2197      **Term:** 2015SP      **Faculty:** Golden, John      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

### Days and Times:

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

### Location

**Course Description:** This course examines doctrines and policy concerns of United States patent law. Focal points include (1) patentability requirements such as eligible subject matter, novelty, and nonobviousness; (2) patent scope and forms of infringing activities; and (3) theories, critiques, and institutions of patent law.

There are no specific prerequisites. The course is designed to be accessible to students without a science or engineering background.

Course materials will include (1) the latest edition of Patent Law and Policy: Cases and Materials by Robert Merges and John Duffy; (2) Foundations of Intellectual Property by Robert Merges and Jane Ginsburg; and (3) other materials made available online.

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## Political Economy After the Crisis

**Course #:** 2390      **Term:** 2015SP      **Faculty:** Unger, Roberto; Henderson, Rebecca      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Course

### Days and Times:

Thu 1:00 PM - 3:00 PM

### Location

**Course Description:** Alternative ways of thinking about contemporary market economies and their reconstruction, explored in three contexts: the recent worldwide financial and economic crisis and the struggle for recovery, the effort to advance socially inclusive economic growth in richer as well as in poorer countries, and the character and consequences of globalization. Special attention given to the relation between institutional alternatives at the level of the economy as a whole and organizational alternatives at the level of the firm. In considering these substantive themes, we also explore the nature of economics as a discipline: its past, present, and future. Students should have some acquaintance with economics, but no advanced training is required.

Readings drawn from the classic and contemporary literatures of economics, business, and social theory.

Note: This course is jointly offered with the Business School, the Kennedy School, and the Faculty of Arts and Sciences.

Rebecca Henderson (Business School) is the John and Natty McArthur University Professor.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Popular Sovereignty and Self-Determination

**Course #:** 2661      **Term:** 2014FA      **Faculty:** Levinson, Sanford      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Reading Group

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

LEW302

**Course Description:** Popular sovereignty has been a key term of political theory at least since the 18th century and the twin American and French Revolutions. Similarly, self-determination has perhaps been the key term of international politics at least since the nationalist revolutions of the 19th century and, even more, since the Wilsonian spin on World War I and the ostensible meaning of the dissolution of the great empires that embarked on that war. The obvious question for both terms is whether they can be given any genuinely concrete meaning or whether, instead, they are glittering generalities, what political theorists call essentially contested concepts that, as a practical matter, not only generate more intellectual heat than light, but also create a great deal of political disorder and violence on the part of groups who, perhaps correctly, feel that their right to self-determination is being insufficiently recognized and/or could be realized only in a state composed primarily of the group's own members. Daniel Patrick Moynihan once wrote that Wilsonian self-determination was one of the truly disastrous ideas of the 20th century, if for no other reason than there is not enough land in the world to provide a viable state for every nation that might demand one. So what does popular sovereignty or self-determination mean in a reality of multi-national and multi-cultural states?

The reading course will be devoted to a mixture of political theory and examination of some concrete historical and contemporary controversies generated by attempts to actualize the aspirational ideals of popular sovereignty and self-determination. Does this, for example, necessarily lend ideological support to secessionist movements attempting to escape a multi-national and -cultural reality where they inevitably will be unable to exercise sovereignty? Though this, of course, only generates an inquiry into the practical meaning of the concept of sovereignty and whether it remains useful in the contemporary world.

It is possible that we will read a few cases, as examples of the problems posed by the notion of sovereignty and self-determination. Within the American context, obvious examples include the nature of American federalism and the autonomy, or lack thereof, assigned by law to American Indian tribes. We will also look at some international examples.

As is standard with reading courses, there will be no examination or extended written work, but I will ask every participant to write one response paper during the course of the semester, largely in order to provide an agenda for the discussion that particular week.

Note: The reading group will meet on the following dates: 9/9, 9/23, 10/7, 10/21, 10/28, 11/19.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Post-Foreclosure Eviction Defense/Housing Law Clinic

**Course #:** 8034      **Term:** 2014FA      **Faculty:** McDonagh, Maureen      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Post-Foreclosure Eviction Defense/Housing Law Clinical Seminar (2 fall credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
As part of a broad coalition of legal services providers and community organizers, The Post-Foreclosure Eviction Defense/Housing Clinic represents tenants and foreclosed upon owners who are facing eviction. The work is done as part of a movement to effect change in the community and the bulk of the clinic's work consists of litigation in the Boston Housing Court. Students defend evictions and prosecute affirmative cases to improve housing conditions and prevent utilities terminations. Students engage very actively in client interviewing and counseling, fact investigation, pre-trial discovery (including the taking and defending of depositions), negotiation, and motion practice, as well as trying cases in court. Students also have the opportunity to engage in community lawyering and mobilization efforts with long term community partners and to work on legislative and other law reform initiatives. Students participate in a Boston Bar Association Attorney for the Day Program and offer "game day" advice to unrepresented litigants in Court on the day of the litigants hearing or trial. As eviction cases are first scheduled by rule on Thursday mornings, students find it helpful if they are available for clinic work on Thursdays (from around 8:30 to 1:00) as many opportunities arise through the Attorney for the Day Program to argue contested motions and negotiate live client cases.  
The clinic is part of the Legal Services Center (LSC), a general practice community law office in the Jamaica Plain neighborhood of Boston. LSCs diverse clinics provide clinical instruction to second- and third-year law students and serve as a laboratory for the innovative delivery of legal services. Students are taught and mentored under the supervision and guidance of clinic directors, instructors and fellows and have an opportunity to meet students and advocates working in many areas of the law.  
For more information on the Clinic, contact Lecturer/Clinic Director Maureen McDonagh, [mcdonagh@law.harvard.edu](mailto:mcdonagh@law.harvard.edu), (617) 390-2542.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Post-Foreclosure Eviction Defense/Housing Law Clinic

**Course #:** 8034      **Term:** 2015SP      **Faculty:** McDonagh, Maureen      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Post-Foreclosure Eviction Defense/Housing Law Clinical Seminar (2 spring credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
As part of a broad coalition of legal services providers and community organizers, The Post-Foreclosure Eviction Defense/Housing Clinic represents tenants and foreclosed upon owners who are facing eviction. The work is done as part of a movement to effect change in the community and the bulk of the clinic's work consists of litigation in the Boston Housing Court. Students defend evictions and prosecute affirmative cases to improve housing conditions and prevent utilities terminations. Students engage very actively in client interviewing and counseling, fact investigation, pre-trial discovery (including the taking and defending of depositions), negotiation, and motion practice, as well as trying cases in court. Students also have the opportunity to engage in community lawyering and mobilization efforts with long term community partners and to work on legislative and other law reform initiatives. Students participate in a Boston Bar Association Attorney for the Day Program and offer "game day" advice to unrepresented litigants in Court on the day of the litigants hearing or trial. As eviction cases are first scheduled by rule on Thursday mornings, students find it helpful if they are available for clinic work on Thursdays (from around 8:30 to 1:00) as many opportunities arise through the Attorney for the Day Program to argue contested motions and negotiate live client cases.  
The clinic is part of the Legal Services Center (LSC), a general practice community law office in the Jamaica Plain neighborhood of Boston. LSCs diverse clinics provide clinical instruction to second- and third-year law students and serve as a laboratory for the innovative delivery of legal services. Students are taught and mentored under the supervision and guidance of clinic directors, instructors and fellows and have an opportunity to meet students and advocates working in many areas of the law.  
For more information on the Clinic, contact Lecturer/Clinic Director Maureen McDonagh, [mcdonagh@law.harvard.edu](mailto:mcdonagh@law.harvard.edu), (617) 390-2542.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Post-Foreclosure Eviction/Housing Law Clinical Seminar

**Course #:** 2199      **Term:** 2014FA      **Faculty:** McDonagh, Maureen      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC5051

**Course Description:** Required Clinic Component: Post-Foreclosure Eviction Defense/Housing Law Clinic (2-4 fall credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll. The Post-Foreclosure/Housing Law Clinical Workshop provides students, who are enrolled in the Legal Services Centers Post-Foreclosure Eviction Defense/Housing Law Clinic, with the practical skills and substantive knowledge necessary to effectively advocate for tenants in and out of the courtroom. Objectives of the course include: understanding the statutes, cases and rules applicable in foreclosure and housing law cases; enhancing student understanding of the professional roles, values and ethics involved in the practice of law; developing practical lawyering skills (such as interviewing clients, negotiating settlements, arguing motions, and introducing evidence); and analyzing and proposing advocacy approaches to contemporary housing law issues (such as post-foreclosure evictions). A large part of the workshop is hands-on and group-oriented; students engage in small and large-group exercises and discussions. Throughout the course, we work on a hypothetical case from the initial client interview through the final disposition of the case. In addition, students will prepare a memorandum and conduct a presentation on one of their ongoing active cases at the Legal Services Center and will lead class discussion on the case. There is no final examination or paper for this course. Students will be evaluated based on their preparation for and participation in class exercises and discussions. This workshop is a required component for students working in the Post-Foreclosure Eviction Defense/Housing Law Clinic of the Legal Services Center.  
For more information on the Clinic, contact Lecturer/Clinical Instructor Maureen McDonagh, [mcdonagh@law.harvard.edu](mailto:mcdonagh@law.harvard.edu)

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Post-Foreclosure Eviction/Housing Law Clinical Seminar

**Course #:** 2199      **Term:** 2015SP      **Faculty:** McDonagh, Maureen      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Required Clinic Component: Post-Foreclosure Eviction Defense/Housing Law Clinic (2-4 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll. The Post-Foreclosure/Housing Law Clinical Workshop provides students, who are enrolled in the Legal Services Centers Post-Foreclosure Eviction Defense/Housing Law Clinic, with the practical skills and substantive knowledge necessary to effectively advocate for tenants in and out of the courtroom. Objectives of the course include: understanding the statutes, cases and rules applicable in foreclosure and housing law cases; enhancing student understanding of the professional roles, values and ethics involved in the practice of law; developing practical lawyering skills (such as interviewing clients, negotiating settlements, arguing motions, and introducing evidence); and analyzing and proposing advocacy approaches to contemporary housing law issues (such as post-foreclosure evictions). A large part of the workshop is hands-on and group-oriented; students engage in small and large-group exercises and discussions. Throughout the course, we work on a hypothetical case from the initial client interview through the final disposition of the case. In addition, students will prepare a memorandum and conduct a presentation on one of their ongoing active cases at the Legal Services Center and will lead class discussion on the case. There is no final examination or paper for this course. Students will be evaluated based on their preparation for and participation in class exercises and discussions. This workshop is a required component for students working in the Post-Foreclosure Eviction Defense/Housing Law Clinic of the Legal Services Center.  
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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Predatory Lending and Consumer Protection Clinic

**Course #:** 8035      **Term:** 2014FA      **Faculty:** Bertling, Roger; Weinstein, Max      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Predatory Lending and Consumer Protection Clinical Seminar (2 fall credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
The Predatory Lending/Consumer Protection Clinic focuses its advocacy efforts on preserving and protecting equity for low- and moderate-income homeowners; combating abuses in the consumer financial services industry; and ensuring equal and fair access to credit markets. The practice is primarily litigation and involves consumer, bankruptcy, real estate, banking, and tort law. The Clinic defends homeowners against foreclosure and commences complex litigation in Federal District Court, Bankruptcy Court, and Massachusetts Superior Court against subprime lenders, banking institutions, mortgage brokers, loan servicers, and foreclosure rescue scam artists. The Clinic also maintains a vibrant consumer law practice in which students defend against unlawful debt collection practices in state court, represent consumers who have been victimized by for-profit colleges and student lenders and represent consumers seeking a fresh start through petitions for bankruptcy.  
Students in the Clinic gain extensive experience interviewing clients, analyzing loan documents, drafting complaints, drafting and responding to discovery requests, conducting and defending depositions, negotiating with opposing counsel, arguing motions, and engaging in long-term case strategizing. Students also have the opportunity to engage in bankruptcy and transactional work; to participate in the State Court Debt Collection Project; and, on occasion, to work on legislative initiatives and impact litigation.  
We encourage students to concurrently enroll in: Legal Profession: Delivery of Legal Services (3 spring credits), which satisfies the Law School's Professional Responsibility Requirement.  
For more information on the Predatory Lending Prevention / Consumer Protection Clinic, please contact Roger Bertling, (617) 390-2572; or Max Weinstein, (617) 390-2694.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Predatory Lending and Consumer Protection Clinic

**Course #:** 8035      **Term:** 2015SP      **Faculty:** Bertling, Roger; Weinstein, Max      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Predatory Lending and Consumer Protection Clinical Seminar (2 spring credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
The Predatory Lending/Consumer Protection Clinic focuses its advocacy efforts on preserving and protecting equity for low- and moderate-income homeowners; combating abuses in the consumer financial services industry; and ensuring equal and fair access to credit markets. The practice is primarily litigation and involves consumer, bankruptcy, real estate, banking, and tort law. The Clinic defends homeowners against foreclosure and commences complex litigation in Federal District Court, Bankruptcy Court, and Massachusetts Superior Court against subprime lenders, banking institutions, mortgage brokers, loan servicers, and foreclosure rescue scam artists. The Clinic also maintains a vibrant consumer law practice in which students defend against unlawful debt collection practices in state court, represent consumers who have been victimized by for-profit colleges and student lenders and represent consumers seeking a fresh start through petitions for bankruptcy.  
Students in the Clinic gain extensive experience interviewing clients, analyzing loan documents, drafting complaints, drafting and responding to discovery requests, conducting and defending depositions, negotiating with opposing counsel, arguing motions, and engaging in long-term case strategizing. Students also have the opportunity to engage in bankruptcy and transactional work; to participate in the State Court Debt Collection Project; and, on occasion, to work on legislative initiatives and impact litigation.  
We encourage students to concurrently enroll in: Legal Profession: Delivery of Legal Services (3 spring credits), which satisfies the Law School's Professional Responsibility Requirement.  
For more information on the Predatory Lending Prevention / Consumer Protection Clinic, please contact Roger Bertling, (617) 390-2572; or Max Weinstein, (617) 390-2694.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Predatory Lending and Consumer Protection Clinical Seminar

**Course #:** 2204      **Term:** 2014FA      **Faculty:** Bertling, Roger; Weinstein, Max      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC5052

**Course Description:** Required Clinic Component: Predatory Lending and Consumer Protection Clinic (2-4 fall credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll. The Predatory Lending and Consumer Protection Clinical Seminar is a required component of a clinical placement in the Predatory Lending and Consumer Protection Clinic at the WilmerHale Legal Services Center. Students in this clinic defend against foreclosures and commence affirmative litigation against banking institutions, sub-prime lenders, for-profit colleges and student lenders, servicers of loans, debt buyers and collectors, home improvement contractors, brokers and foreclosure rescue scam artists; and also represent consumers in Chapter 7 and Chapter 13 bankruptcies as well as in all facets of litigation on significant consumer issues, such as automobile financing, utility disputes, credit card, fair lending and fair credit reporting issues. The seminar introduces students to the substantive law germane to the clinics areas of practice, offers training in the skills needed to effectively litigate, (such as depositions, motion drafting and oral argument), and provides the opportunity for students to think strategically about their cases and to discuss the larger policy framework. Students will draft and argue a mock motion related to the coursework. Students will be graded based upon their participation in class and their motions and arguments.  
A clinical practice component is required of all students. Enrollment is through clinical registration. Clinical placements are with the Predatory Lending and Consumer Protection Clinic at the WilmerHale Legal Services Center. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Predatory Lending and Consumer Protection Clinical Seminar

**Course #:** 2204      **Term:** 2015SP      **Faculty:** Bertling, Roger; Weinstein, Max      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Required Clinic Component: Predatory Lending and Consumer Protection Clinic (2-4 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll. The Predatory Lending and Consumer Protection Clinical Seminar is a required component of a clinical placement in the Predatory Lending and Consumer Protection Clinic at the WilmerHale Legal Services Center. Students in this clinic defend against foreclosures and commence affirmative litigation against banking institutions, sub-prime lenders, for-profit colleges and student lenders, servicers of loans, debt buyers and collectors, home improvement contractors, brokers and foreclosure rescue scam artists; and also represent consumers in Chapter 7 and Chapter 13 bankruptcies as well as in all facets of litigation on significant consumer issues, such as automobile financing, utility disputes, credit card, fair lending and fair credit reporting issues. The seminar introduces students to the substantive law germane to the clinics areas of practice, offers training in the skills needed to effectively litigate, (such as depositions, motion drafting and oral argument), and provides the opportunity for students to think strategically about their cases and to discuss the larger policy framework. Students will draft and argue a mock motion related to the coursework. Students will be graded based upon their participation in class and their motions and arguments.  
A clinical practice component is required of all students. Enrollment is through clinical registration. Clinical placements are with the Predatory Lending and Consumer Protection Clinic at the WilmerHale Legal Services Center. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Privacy, Technology, and National Security

**Course #:** 2205      **Term:** 2014FA      **Faculty:** Heymann, Philip      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Government Structure & Function

**Delivery Mode:** Seminar

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC3008

**Course Description:** The threat of terrorism is leading to the development of remarkable, new methods of surveillance --- methods that do not require either the physical intrusion or traditional ways of overhearing conversations to which the courts have been applying Fourth Amendment law for decades. Nor have statutes filled the gaps in privacy that the new technology is opening. With the assistance of relevant scientists and engineers, we will look at a number of surveillance devices that will, foreseeably, be developed within the next decade and consider to what extent they will narrow the sphere of freedom that privacy and anonymity have long granted. This will require a careful analysis of the values protected by privacy, the usefulness of new technology in terms of security, and the possibilities for regulation by statute or judicial interpretation that could begin to reconcile these competing concerns.

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## Private Law Workshop

**Course #:** 2206      **Term:** 2014FA      **Faculty:** Smith, Henry; Goldberg, John      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

Wed 1:00 PM - 3:00 PM

**Location**

WCC3008

**Course Description:** This workshop will explore the foundations of private law -- property, contracts, torts, and restitution. Emphasis will be on theories that offer explanations, justifications, and criticisms of architectural features of these areas of law and of their connections to one another. Sessions will be devoted to paper presentations by outside speakers and to discussions of classic and contemporary works reflecting philosophical, historical, and economic approaches to private law topics.

Paper required.

Prerequisite: Admission is by permission of the instructors. Students who wish to be considered for the seminar should submit a CV to Henry Smith ([hsmith@law.harvard.edu](mailto:hsmith@law.harvard.edu)). Recommended deadline for consideration is Friday, July 25th, however, applications will be considered on a rolling basis.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Probability, Proof and Profiles

**Course #:** 2672      **Term:** 2014FA      **Faculty:** Hershovitz, Scott      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC4061

**Course Description:** We almost never know all the facts that we'd like to know, so we are forced to act on generalizations and probabilities. But at the same time, we have a great deal of anxiety about the law's use of generalizations and probabilities, especially when it makes decisions that significantly affect the course of identifiable individuals' lives. This is a course in legal epistemology; we will try to figure out how and when the law may rely on generalizations and probabilities, and also when it may not. Topics covered will include: recovery for loss of chance; the law's hostility to merely statistical evidence; the nature of reasonable doubt; and the permissibility of racial and ethnic profiling. The readings will mix judicial decisions about these issues with articles and book excerpts that present philosophical analyses of them.

Note: The reading group will meet on the following dates: 9/8, 9/22, 10/6, 10/20, 11/3, and 11/17.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Problem Solving Workshop A

**Course #:** 1007      **Term:** 2015WI      **Faculty:** Singer, Joseph      **Credits:** 2.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

**Course Description:** This is a required course for 1Ls only.

The course is intended to help prepare you for the actual practice of law by allowing you actively to engage in the sorts of discussions and activities that occupy real lawyers every day, combining their knowledge of law with practical judgment to help clients attain their goals within the bounds of the law. It is also intended to help you become the kind of thoughtful practicing lawyer who can see the theoretical issues lurking behind every day events.

What sorts of problems do lawyers solve? How do they solve them? What intellectual constructs do they bring to bear? What practical judgments? This workshop-style course will help answer these questions by giving you a chance to practice confronting client problems the way lawyers do, from the very beginning, before the facts are all known, before the clients goals are clarified, before the full range of options is explored, and before a course of conduct is chosen. You will undertake these tasks by working in teams on a number of different problems in different lawyering settings. You will be writing short memos of the kind written by practicing lawyers, identifying facts that need to be gathered, questions the client needs to answer, and options that should be considered as well as writing memos interpreting laws that impinge on the problem and recommending a course of action. You will also engage in simulated interviews of clients.

The Problem Solving Workshop is the only class 1Ls take during winter term. Classes meet in the mornings, between the hours of 9am and 12pm most days; afternoons are devoted to team meetings, with, on many days, written assignments prepared by each team due by the end of the afternoon. Class attendance every day is required as well as participation in the afternoon team work. There is no final exam, but there are required exercises, including on the evenings of January 14th and 22nd presentations to practitioners.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Problem Solving Workshop B

**Course #:** 1007      **Term:** 2015WI      **Faculty:** Rakoff, Todd      **Credits:** 2.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

### Course Description:

This is a required course for 1Ls only.

The course is intended to help prepare you for the actual practice of law by allowing you actively to engage in the sorts of discussions and activities that occupy real lawyers every day, combining their knowledge of law with practical judgment to help clients attain their goals within the bounds of the law. It is also intended to help you become the kind of thoughtful practicing lawyer who can see the theoretical issues lurking behind every day events.

What sorts of problems do lawyers solve? How do they solve them? What intellectual constructs do they bring to bear? What practical judgments? This workshop-style course will help answer these questions by giving you a chance to practice confronting client problems the way lawyers do, from the very beginning, before the facts are all known, before the clients goals are clarified, before the full range of options is explored, and before a course of conduct is chosen. You will undertake these tasks by working in teams on a number of different problems in different lawyering settings. You will be writing short memos of the kind written by practicing lawyers, identifying facts that need to be gathered, questions the client needs to answer, and options that should be considered as well as writing memos interpreting laws that impinge on the problem and recommending a course of action. You will also engage in simulated interviews of clients. The Problem Solving Workshop is the only class 1Ls take during winter term. Classes meet in the mornings, between the hours of 9am and 12pm most days; afternoons are devoted to team meetings, with, on many days, written assignments prepared by each team due by the end of the afternoon. Class attendance every day is required as well as participation in the afternoon team work. There is no final exam, but there are required exercises, including on the evenings of January 14th and 22nd presentations to practitioners.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Problem Solving Workshop C

**Course #:** 1007      **Term:** 2015WI      **Faculty:** Wilkins, David      **Credits:** 2.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

**Course Description:** This is a required course for 1Ls only.

The course is intended to help prepare you for the actual practice of law by allowing you actively to engage in the sorts of discussions and activities that occupy real lawyers every day, combining their knowledge of law with practical judgment to help clients attain their goals within the bounds of the law. It is also intended to help you become the kind of thoughtful practicing lawyer who can see the theoretical issues lurking behind every day events.

What sorts of problems do lawyers solve? How do they solve them? What intellectual constructs do they bring to bear? What practical judgments? This workshop-style course will help answer these questions by giving you a chance to practice confronting client problems the way lawyers do, from the very beginning, before the facts are all known, before the clients goals are clarified, before the full range of options is explored, and before a course of conduct is chosen. You will undertake these tasks by working in teams on a number of different problems in different lawyering settings. You will be writing short memos of the kind written by practicing lawyers, identifying facts that need to be gathered, questions the client needs to answer, and options that should be considered as well as writing memos interpreting laws that impinge on the problem and recommending a course of action. You will also engage in simulated interviews of clients.

The Problem Solving Workshop is the only class 1Ls take during winter term. Classes meet in the mornings, between the hours of 9am and 12pm most days; afternoons are devoted to team meetings, with, on many days, written assignments prepared by each team due by the end of the afternoon. Class attendance every day is required as well as participation in the afternoon team work. There is no final exam, but there are required exercises, including on the evenings of January 14th and 22nd presentations to practitioners.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Problem Solving Workshop D

**Course #:** 1007      **Term:** 2015WI      **Faculty:** Shay, Stephen      **Credits:** 2.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

### Course Description:

This is a required course for 1Ls only.

The course is intended to help prepare you for the actual practice of law by allowing you actively to engage in the sorts of discussions and activities that occupy real lawyers every day, combining their knowledge of law with practical judgment to help clients attain their goals within the bounds of the law. It is also intended to help you become the kind of thoughtful practicing lawyer who can see the theoretical issues lurking behind every day events.

What sorts of problems do lawyers solve? How do they solve them? What intellectual constructs do they bring to bear? What practical judgments? This workshop-style course will help answer these questions by giving you a chance to practice confronting client problems the way lawyers do, from the very beginning, before the facts are all known, before the clients goals are clarified, before the full range of options is explored, and before a course of conduct is chosen. You will undertake these tasks by working in teams on a number of different problems in different lawyering settings. You will be writing short memos of the kind written by practicing lawyers, identifying facts that need to be gathered, questions the client needs to answer, and options that should be considered as well as writing memos interpreting laws that impinge on the problem and recommending a course of action. You will also engage in simulated interviews of clients. The Problem Solving Workshop is the only class 1Ls take during winter term. Classes meet in the mornings, between the hours of 9am and 12pm most days; afternoons are devoted to team meetings, with, on many days, written assignments prepared by each team due by the end of the afternoon. Class attendance every day is required as well as participation in the afternoon team work. There is no final exam, but there are required exercises, including on the evenings of January 14th and 22nd presentations to practitioners.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Problem Solving Workshop E

**Course #:** 1007      **Term:** 2015WI      **Faculty:** Westfahl, Scott      **Credits:** 2.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

**Course Description:** This is a required course for 1Ls only.

The course is intended to help prepare you for the actual practice of law by allowing you actively to engage in the sorts of discussions and activities that occupy real lawyers every day, combining their knowledge of law with practical judgment to help clients attain their goals within the bounds of the law. It is also intended to help you become the kind of thoughtful practicing lawyer who can see the theoretical issues lurking behind every day events.

What sorts of problems do lawyers solve? How do they solve them? What intellectual constructs do they bring to bear? What practical judgments? This workshop-style course will help answer these questions by giving you a chance to practice confronting client problems the way lawyers do, from the very beginning, before the facts are all known, before the clients goals are clarified, before the full range of options is explored, and before a course of conduct is chosen. You will undertake these tasks by working in teams on a number of different problems in different lawyering settings. You will be writing short memos of the kind written by practicing lawyers, identifying facts that need to be gathered, questions the client needs to answer, and options that should be considered as well as writing memos interpreting laws that impinge on the problem and recommending a course of action. You will also engage in simulated interviews of clients.

The Problem Solving Workshop is the only class 1Ls take during winter term. Classes meet in the mornings, between the hours of 9am and 12pm most days; afternoons are devoted to team meetings, with, on many days, written assignments prepared by each team due by the end of the afternoon. Class attendance every day is required as well as participation in the afternoon team work. There is no final exam, but there are required exercises, including on the evenings of January 14th and 22nd presentations to practitioners.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Problem Solving Workshop F

**Course #:** 1007      **Term:** 2015WI      **Faculty:** Lee, William      **Credits:** 2.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

### Course Description:

Lauren Fletcher will be assisting with this winter course.

This is a required course for 1Ls only.

The course is intended to help prepare you for the actual practice of law by allowing you actively to engage in the sorts of discussions and activities that occupy real lawyers every day, combining their knowledge of law with practical judgment to help clients attain their goals within the bounds of the law. It is also intended to help you become the kind of thoughtful practicing lawyer who can see the theoretical issues lurking behind every day events.

What sorts of problems do lawyers solve? How do they solve them? What intellectual constructs do they bring to bear? What practical judgments? This workshop-style course will help answer these questions by giving you a chance to practice confronting client problems the way lawyers do, from the very beginning, before the facts are all known, before the clients goals are clarified, before the full range of options is explored, and before a course of conduct is chosen. You will undertake these tasks by working in teams on a number of different problems in different lawyering settings. You will be writing short memos of the kind written by practicing lawyers, identifying facts that need to be gathered, questions the client needs to answer, and options that should be considered as well as writing memos interpreting laws that impinge on the problem and recommending a course of action. You will also engage in simulated interviews of clients. The Problem Solving Workshop is the only class 1Ls take during winter term. Classes meet in the mornings, between the hours of 9am and 12pm most days; afternoons are devoted to team meetings, with, on many days, written assignments prepared by each team due by the end of the afternoon. Class attendance every day is required as well as participation in the afternoon team work. There is no final exam, but there are required exercises, including on the evenings of January 14th and 22nd presentations to practitioners.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Problem Solving Workshop G

**Course #:** 1007      **Term:** 2015WI      **Faculty:** Kramer, Andrea      **Credits:** 2.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

**Course Description:** This is a required course for 1Ls only.

The course is intended to help prepare you for the actual practice of law by allowing you actively to engage in the sorts of discussions and activities that occupy real lawyers every day, combining their knowledge of law with practical judgment to help clients attain their goals within the bounds of the law. It is also intended to help you become the kind of thoughtful practicing lawyer who can see the theoretical issues lurking behind every day events.

What sorts of problems do lawyers solve? How do they solve them? What intellectual constructs do they bring to bear? What practical judgments? This workshop-style course will help answer these questions by giving you a chance to practice confronting client problems the way lawyers do, from the very beginning, before the facts are all known, before the clients goals are clarified, before the full range of options is explored, and before a course of conduct is chosen. You will undertake these tasks by working in teams on a number of different problems in different lawyering settings. You will be writing short memos of the kind written by practicing lawyers, identifying facts that need to be gathered, questions the client needs to answer, and options that should be considered as well as writing memos interpreting laws that impinge on the problem and recommending a course of action. You will also engage in simulated interviews of clients.

The Problem Solving Workshop is the only class 1Ls take during winter term. Classes meet in the mornings, between the hours of 9am and 12pm most days; afternoons are devoted to team meetings, with, on many days, written assignments prepared by each team due by the end of the afternoon. Class attendance every day is required as well as participation in the afternoon team work. There is no final exam, but there are required exercises, including on the evenings of January 14th and 22nd presentations to practitioners.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Progressive Alternatives: Institutional Reconstruction Now

**Course #:** 2391      **Term:** 2015SP      **Faculty:** Unger, Roberto      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** An exploration of the past and future agenda of progressives, whether self-described as liberals or as leftists. What should they propose, now that they no longer believe in the usefulness of governmental direction of the economy or in the sufficiency of redistributive social programs? A basic concern is the relation of programmatic thought to the understanding of change and constraint. The course will draw on many disciplines and consider examples from many settings. It will try to develop ways of thinking as well as proposals for change: such proposals require us to develop the structural imagination about society and its institutional alternatives in which contemporary social science and political discourse are deficient. Readings from classical and contemporary social and political theory. Note: This course is jointly offered with the Faculty of Arts and Sciences, (Government Department) as Government 1092 and is open to graduate and undergraduate students alike.

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## Property 1

**Course #:** 1004      **Term:** 2014FA      **Faculty:** Mann, Bruce      **Credits:** 4.00

**Type:** 1L Required  
Course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 10:20 AM - 11:40 AM

WCC2009

Tue 10:20 AM - 11:40 AM

WCC2009

Wed 10:20 AM - 11:40 AM

WCC2009

**Course Description:** This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Subject to variations of emphasis among professors, topics will cover aspects of commercial land transfers such as sale contracts, mortgages, leases, conveyances, recording, and other methods of title assurance; and means of limiting private land-use in the public interest such as zoning, health and safety regulations, protection of minority or economically disadvantaged groups, eminent domain, and taxes. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Property 2

**Course #:** 1004      **Term:** 2014FA      **Faculty:** Smith, Henry      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

### Location

WCC1023

WCC1023

**Course Description:** This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Subject to variations of emphasis among professors, topics will cover aspects of commercial land transfers such as sale contracts, mortgages, leases, conveyances, recording, and other methods of title assurance; and means of limiting private land-use in the public interest such as zoning, health and safety regulations, protection of minority or economically disadvantaged groups, eminent domain, and taxes. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

## Property 3

**Course #:** 1004      **Term:** 2014FA      **Faculty:** Singer, Joseph      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

### Location

WCC2009

WCC2009

**Course Description:** This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Topics will cover aspects of commercial land transfers such as leases, conveyances, recording, and other methods of title assurance; the role of property law in producing and remedying racial and economic inequality; private land use planning methods; and zoning, health and safety regulations, and takings doctrine. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Property 4

**Course #:** 1004      **Term:** 2014FA      **Faculty:** Donahue, Charles      **Credits:** 4.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Mon 10:20 AM - 11:40 AM	WCC1010
Tue 10:20 AM - 11:40 AM	WCC1010
Wed 10:20 AM - 11:40 AM	WCC1010

**Course Description:** Basic introduction to property and the role of law in the construction of markets and social relations; an introduction to the vocabulary and grammar of legal forms; and initial development of skills in institutional design and critical examination of the effects of different legal arrangements on the social and economic relations they regulate.

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## Property 5

**Course #:** 1004      **Term:** 2015SP      **Faculty:** Glendon, Mary Ann      **Credits:** 4.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Mon 1:10 PM - 3:10 PM	
Tue 1:10 PM - 3:10 PM	

**Course Description:** This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Subject to variations of emphasis among professors, topics will cover aspects of commercial land transfers such as sale contracts, mortgages, leases, conveyances, recording, and other methods of title assurance; and means of limiting private land-use in the public interest such as zoning, health and safety regulations, protection of minority or economically disadvantaged groups, eminent domain, and taxes. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Property 6

**Course #:** 1004      **Term:** 2014FA      **Faculty:** Mann, Bruce      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

### Location

WCC2004

WCC2004

WCC2004

**Course Description:** This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Topics will cover aspects of commercial land transfers such as leases, conveyances, recording, and other methods of title assurance; the role of property law in producing and remedying racial and economic inequality; private land use planning methods; and zoning, health and safety regulations, and takings doctrine. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

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## Property 7

**Course #:** 1004      **Term:** 2015SP      **Faculty:** Mack, Kenneth      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

### Location

**Course Description:** This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Subject to variations of emphasis among professors, topics will cover aspects of commercial land transfers such as sale contracts, mortgages, leases, conveyances, recording, and other methods of title assurance; and means of limiting private land-use in the public interest such as zoning, health and safety regulations, protection of minority or economically disadvantaged groups, eminent domain, and taxes. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Proportionality in U.S. Constitutional Law: History and Comparison

**Course #:** 2454      **Term:** 2015SP      **Faculty:** Jackson, Vicki      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** In this seminar, we will explore proportionality as a principle or doctrine in U.S. Constitutional law. In so doing, we will bring historical and comparative perspectives to bear, considering doctrines of proportionality that have been developed in public law adjudication in courts in Canada, Europe, Israel, South Africa and elsewhere. We will take up positive as well as normative questions.

Unlike some other constitutional democracies, the United States does not have a general trans-substantive doctrine of proportionality that applies across constitutional areas, or even in areas of individual rights. U.S. doctrine does require to resort to proportionality in discrete areas, including, for example, Eighth Amendment cruel and unusual punishment claims, evaluation of punitive damages under the Due Process Clause, the law of "takings" of property, and in evaluating remedial legislation enacted by Congress under its Fourteenth Amendment powers. Justice Breyer has argued for somewhat broader use of "proportionality" approaches in other areas of constitutional law. Among the more positive topics to be covered are these: (1) the reasons for and content of proportionality analysis in the discrete areas in U.S. constitutional law in which it is currently deployed; (2) the history of the Courts possible reliance on the principle of proportionality in the development of other areas of the law (including, for example, review of state economic regulation in the 19th century, and the doctrine of "strict scrutiny" under the Equal Protection Clause); (3) the absence of proportionality that is arguably produced by application of the Courts categorical standards for Equal Protection analysis; (4) the absence of proportionality as a technique for evaluating constitutional "disparate impact" claims; (5) the reasons for the spread of proportionality as a doctrine in constitutional, international and administrative law elsewhere, and for its (relative) absence in the United States (including, for example, the impact of *Lochner* as a "negative" precedent). In addition, we will consider areas, including some First Amendment and some Fourth Amendment issues, in which proportionality approaches have been rejected in the United States and applied in some other constitutional democracies. In the course of our discussion, we will also try systematically to compare proportionality analysis with alternative approaches (e.g., those that are more formalist, or categorical, or originalist).

More normative topics will include (1) the relationship(s) of proportionality to justice, as an aspiration, and its application across the work of different branches of government; (2) whether the U.S. Constitution (and constitutions more generally) should be understood to have justice-seeking aspirations and if so, whether proportionality as a judicial doctrine is necessarily related to those justice-seeking goals or whether other approaches should also be understood as justice-seeking; (3) the relationship(s) between proportionality and democracy; (4) the relationship(s) between proportionality and institutional allocations of government authority, and, more generally, (5) the relationships between the legitimacy of proportionality analysis and who the authorized decisionmaker(s) are.

Please note that half the seats will be available through the regular registration process and half will be by permission of the instructor. Those wishing to apply for one of the reserved seats should send a short statement of interest and resume to Professor Jackson [vjackson@law.harvard.edu](mailto:vjackson@law.harvard.edu) and her assistant, Carol Bateson [cbateson@law.harvard.edu](mailto:cbateson@law.harvard.edu).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Public Health Law and Policy

**Course #:** 2497      **Term:** 2014FA      **Faculty:** Greenwald, Robert      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC3012

**Course Description:** This seminar provides an overview of the historical law and policy decisions that have shaped the U.S. health care system and are informing current debates about health reform. Incorporating varying perspectives, the seminar discusses federal and state policy options to address the current public health and access to care crises that are a direct outgrowth of 50 million Americans living without health insurance.

This seminar begins with an analysis of health systems in other countries. Next, we discuss the key policy decisions made over the past century that have shaped the current patchwork of public and private insurance coverage options in this country. After providing this international and historical context, we analyze in detail the key elements of the current U.S. health and public health care systems through the lens of its impact on vulnerable populations. We look at the components of the federal approach to reform, including the national health care reform law the Patient Protections and Affordable Care Act. We also consider several state initiatives that highlight how states are acting as laboratories of innovation to implement sweeping health reforms. Finally, we discuss the forces at play that favor the health policy status quo in this country and discuss the many opportunities for health policy solutions focusing on increasing access to care and addressing public health concerns. This seminar is open to students interested in health and public health law and policy; no background or prerequisites are required. The reading materials include various book chapters, cases, news reports, and scholarly articles that present diverse viewpoints on the topics presented. The course is intended to spark debate between different sides of these often controversial issues, and students participate in different in-class role plays and debates.

Enrollment in the seminar is limited to 20 students, and is open to LLM students by permission.

Some seats are reserved for students enrolled in the Health Law and Policy Clinic. A student's enrollment in a reserved clinical seat is dependent on the student's enrollment in the Health Law and Policy Clinic. Once a student enrolls in the clinic, the Office of Clinical and Pro Bono Programs will enroll them in the seminar. If a student chooses to drop from the clinic, they will also be dropped from the seminar. Please see the clinic's description for more information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Public Health Law and Policy

**Course #:** 2497      **Term:** 2015SP      **Faculty:** Greenwald, Robert      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This seminar provides an overview of the historical law and policy decisions that have shaped the U.S. health care system and are informing current debates about health reform. Incorporating varying perspectives, the seminar discusses federal and state policy options to address the current public health and access to care crises that are a direct outgrowth of 50 million Americans living without health insurance.

This seminar begins with an analysis of health systems in other countries. Next, we discuss the key policy decisions made over the past century that have shaped the current patchwork of public and private insurance coverage options in this country. After providing this international and historical context, we analyze in detail the key elements of the current U.S. health and public health care systems through the lens of its impact on vulnerable populations. We look at the components of the federal approach to reform, including the national health care reform law the Patient Protections and Affordable Care Act. We also consider several state initiatives that highlight how states are acting as laboratories of innovation to implement sweeping health reforms. Finally, we discuss the forces at play that favor the health policy status quo in this country and discuss the many opportunities for health policy solutions focusing on increasing access to care and addressing public health concerns. This seminar is open to students interested in health and public health law and policy; no background or prerequisites are required. The reading materials include various book chapters, cases, news reports, and scholarly articles that present diverse viewpoints on the topics presented. The course is intended to spark debate between different sides of these often controversial issues, and students participate in different in-class role plays and debates.

Enrollment in the seminar is limited to 20 students, and is open to LLM students by permission.

Some seats are reserved for students enrolled in the Health Law and Policy Clinic. A student's enrollment in a reserved clinical seat is dependent on the student's enrollment in the Health Law and Policy Clinic. Once a student enrolls in the clinic, the Office of Clinical and Pro Bono Programs will enroll them in the seminar. If a student chooses to drop from the clinic, they will also be dropped from the seminar. Please see the clinic's description for more information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Public International Law

**Course #:** 2212      **Term:** 2014FA      **Faculty:** Helal, Mohamed      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

### Location

HAU102

HAU102

**Course Description:** This is an introductory course on public international law, which is the body of rules governing relations both between states and, increasingly, between a diverse set of actors, including individuals, civil society, international institutions, NGOs, and corporations. The purpose of this course is to introduce students to the foundational rules of the international legal system, which are vitally important to a wide range of global policy challenges such as waging war, combating terrorism, preventing the proliferation of weapons of mass destruction, protecting human rights, preserving the environment, promoting world trade, and managing the global commons.

This course is divided into two parts, the first of which focuses on the sources and subjects of international law. The sources of international law are treaties, custom, general principles of law, and the opinions of jurists and court decisions. Special attention will be given to the processes of making and interpreting treaties, and to the formation and evolution of custom. Discussion of the subjects of international law, which are the actors governed by international law, will extend to states, including examining the elements of statehood, state recognition, the changing nature of sovereignty, and the relationship between international and domestic law, with a focus on the United States. We will also discuss the status, rights, roles, and obligations of other actors, including individuals, international organizations, and corporations.

The second part of this course introduces students to specific areas of international law, including: the use of armed force, international criminal law, international humanitarian law, human rights law, the law of the sea, state responsibility, and international trade law. These areas may be revised if warranted by current events.

In-class discussions and assigned readings will frequently extend beyond the rules of international law to consider policy aspects of issues examined during the course. No previous courses or practical experience either in international law, international relations, or political science are required for this course. Grading will be based on a final examination, in-class participation, and other assignments due during the course of the semester.

This course is available to students who have not previously taken a course in public international law.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Public International Law

**Course #:** 1008      **Term:** 2015SP      **Faculty:** Blum, Gabriella      **Credits:** 4.00

**Type:** 1L International  
Comparative  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

### Location

**Course Description:** This is an introductory course to public international law. The first part of the course examines the nature, sources, and methods of international law, the relationship between international law and domestic U.S. law, the determination of international responsibility and the resolution of international disputes, and the bases of national jurisdiction over international conduct. In the second part of the course we will study select substantive areas of international law, including the use of force and the laws of war, human rights, international criminal law, and international trade law. Where relevant, the course will follow current events.

Note: This is one of the 1L required international or comparative courses and is only available to HLS first-year and LLM students.

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## Public Law in the Roberts Court

**Course #:** 2727      **Term:** 2015SP      **Faculty:** Gersen, Jacob; Vermeule, Adrian      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory; Legal History

**Delivery Mode:** Seminar

### Days and Times:

Wed 10:00 AM - 12:00 PM

### Location

**Course Description:** We will discuss the most important and interesting public law opinions of the Roberts Court, including both constitutional and administrative law. We will pay special attention to the structure of government, to decisionmaking procedures, and to the allocation of authority between the judiciary and other actors. Specific topics will include the separation of powers, judicial review of executive action, the powers of Congress and the federal government as a whole, the enforcement of the Fourteenth Amendment, and free speech. Students will write short discussion papers on topics of their choice.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Public Problems: Advice, Strategy and Analysis

**Course #:** 2398      **Term:** 2014FA      **Faculty:** Barron, David; Fung, Archon      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

Thu 4:00 PM - 6:00 PM

**Location**

WCC3012

**Course Description:** This is a two-credit jointly taught seminar that is required for students in their third and fourth years of the HLS/HKS joint degree program. It will use a series of case studies to examine how to analyze, advise and strategize the resolution of a series of difficult real world public problems at the intersection of law and policy from the vantage point of government decision makers at the city, state and federal levels, as well as from the vantage point of nongovernmental organizations and advocacy groups.

Students enrolled at the Kennedy School who have already received a JD or have completed the first year of law school, or students at the law school who have received a public policy degree or are presently enrolled in a public policy program other than the HKS program may also take this seminar with the permission of Professors Barron and Fung.

Prerequisite: Instructor permission is required for enrollment. For students who want permission to enroll, please email Professors Barron and Fung by Thursday, August 21, expressing why you would like to take the seminar. Their emails are archon\_fung@harvard.edu and dbarron@law.harvard.edu.

Note: This course is jointly-listed with HKS as DPI-562.

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## Race and Justice: The Wire

**Course #:** 2214      **Term:** 2014FA      **Faculty:** Ogletree, Charles      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Disciplinary Perspectives & Law

**Delivery Mode:** Course

**Days and Times:**

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

**Location**

WCCB015

WCCB015

**Course Description:** This course will examine the wide ranging legal procedures utilized in the highly acclaimed HBO series "The Wire". The readings will focus on police procedure, criminal codes, crime policy, criminal investigation, drug interdiction, and sentencing alternatives among other topics. Students will get a firsthand view of the manner in which law enforcement officials exercise broad discretion in the course of criminal investigations, and how legislative responses and the problems of crime often lead to dramatic and overreaching public policy.

Students will be required to write three short reflection papers during the course and submit a 20 to 25 page paper at the end of the course.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Race and Politics

**Course #:** 2484      **Term:** 2014FA      **Faculty:** Robinson, Stephanie      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC5052

**Course Description:** This course traces the trajectory of select sentiment, ideology and media relevant to the recent concept of a post-racial American society. While the successful campaign of President Barack Obama certainly acted as a galvanizing force for post racial conceptualizations and discourse, this course will consider this political watershed within a larger context of the historical and current factors facilitating the development of such a debatable construct. Relevant factors including the flaws and promises of traditional civil rights movements, changing demographics, evolving issues of race, the rise of the Tea Party, a caustic healthcare debate, anti-immigrant sentiment, political polarization, ongoing economic turmoil, and a sympathy for the loss of whiteness in traditional national identity will be discussed through literature, journalism and visual media.

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## Reason in Law: Challenges of Skepticism and Paradox

**Course #:** 2525      **Term:** 2014FA      **Faculty:** Brewer, Scott      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC5048

**Course Description:** To what extent, and in what ways, are law and legal process governed or disciplined by reason? This millennial question of legal theory, dating back in the West to at least the time of the Sophists, Plato, Aristotle, and Socrates, continues to be robustly debated around the world today. In America, the question received new vigor in the work of the Legal Realists and their followers (consider Holmes' influential edict, the life of the law has not been logic, it has been experience). The question has also been deeply connected to the very idea of the rule of law, conceived as a government of laws and not of men. In this seminar we will consider this question by focusing on two kinds of possible limits on the extent to which law can be governed or disciplined by reason: the possibility of paradoxes in law or legal process, and the possibility of skepticism about law or legal process. We will examine some philosophical paradoxes and consider whether they surface in law. We will also consider some varieties of philosophical skepticism and compare and contrast them to some types of skepticism that have been advanced in legal theory (such as rule skepticism and fact skepticism).

Work for the course consists of one paper, on a topic related to the course topic, and participation in class discussion.

No background in philosophy is required. Some basic tools of logic will be taught to help explain and explore claims about paradox and skepticism in law, but one need have no background in logic - only a willingness to engage in careful reflection and analysis. Anyone seeking information about this course should feel free to contact Professor Scott Brewer at [sbrewer@law.harvard.edu](mailto:sbrewer@law.harvard.edu).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Regulation of Financial Institutions

**Course #:** 2219      **Term:** 2014FA      **Faculty:** Jackson, Howell; Tahyar, Margaret      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

### Days and Times:

Wed 1:20 PM - 2:50 PM

Thu 1:20 PM - 2:50 PM

Fri 1:20 PM - 2:50 PM

### Location

WCCB010

WCCB010

WCCB010

**Course Description:** This course explores the regulation of financial institutions in the United States, covering a range of firms including banks, mutual funds, securities firms, and insurance companies, as well as financial markets more generally. We will examine the many different supervisory mechanisms that have evolved in the United States to regulate financial services firms, with a particular emphasis on jurisdictional boundaries, ongoing reforms in prudential regulation, consumer financial protection, and the oversight of systemic risks.

In November, Margaret E. Tahyar, a senior member of the Davis Polk Financial Institutions Group, will lead a two-week module in the course focusing on issues related to the implementation of the Dodd-Frank Act of 2010.

Over the course of the semester, students will be expected to prepare one short reaction paper on a topic of current interest and also to take an in-class final examination.

Teaching materials will include several case studies raising issues of current policy concern as well as more traditional legal sources. Readings will be from Barr, Jackson & Tahyar, *The Regulation of Financial Institutions* (forthcoming).

Note: Class will meet for 2 hours from 1pm to 3pm on November 5 through November 14.

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## Remedies

**Course #:** 2221      **Term:** 2015WI      **Faculty:** Smith, Henry      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

### Location

**Course Description:** This course will address what courts do for litigants seeking to vindicate their legal rights. Topics include damages, injunctive relief, declaratory judgments, restitution, and punitive civil remedies. These remedies are considered in both private law and public law settings. The course will particularly focus on the role of equity and equitable notions across the legal system.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Reproductive Rights and Justice

**Course #:** 2540      **Term:** 2015SP      **Faculty:** Halley, Janet; Roseman, Mindy      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

### Location

**Course Description:** This course will examine reproductive rights and justice, domestically and globally. The concept of reproductive rights cuts across many legal doctrines such as family law, property, health law, criminal law, immigration, human rights, and constitutional law. Reproductive rights include access to fertility treatment, pre-natal care, contraception, pregnancy termination, perinatal and post-natal care, genetic counseling, gender equality and more--and yet in public and political discussions, attention is often limited to questions involving abortion.

This course will address the entire range of reproductive rights through the interdisciplinary and cross-cultural examination of historical, anthropological, sociological and public health articles as well as legal cases, film and literature. We will explore social movements, population policy, sexuality, gender, race/ethnicity and poverty, as well as look at legal and policy responses such as decriminalization, financial regulation, and public interest litigation.

Some of the questions this seminar will consider are: What are the legal doctrines that constitute reproductive (and sexual) rights, and in being so constructed, what actions do they enable and constrain? What roles have the US Supreme, and other Constitutional Courts, played in constructing elite and popular debates? Why is abortion so central? How do reproductive and new media technologies contribute to the global and local conversations and social movements? How have the concepts of reproductive rights transformed into claims for reproductive and what does it mean?

Students will participate in a series of interactive activities bringing research in the field back to the seminar in the form of oral reports, and will write a last-class take-home examination. In lieu of the examination, and by permission of the instructors, students may write a research paper.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Research Seminar in Law, Economics, and Organizations

**Course #:** 2157      **Term:** 2014FA      **Faculty:** Kaplow, Louis; Bebchuk, Lucian; Spier, Kathryn      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**

Mon 12:30 PM - 2:00 PM

**Location**

HAU105

**Course Description:** This seminar is co-taught by Professors Bebchuk, Kaplow, Spier, Spamann and Prof. Oliver Hart, an Andrew E. Furer Professor of Economics in the Economics Department.

This seminar will involve the presentation by speakers of papers in the fields of law and economics, law and finance, and contract theory. The two-credit seminar will meet for one and a half hours for two-thirds of the weeks in each of the two terms. Lunch will be served. A student may take the seminar for only one term, for one credit (2 credit fall/spring terms, 1 credit fall term, or 1 credit spring term). The seminar is given jointly with the FAS Economics Department, and should be taken only by students with substantial prior interest in and exposure to economic analysis. (If you have questions about this, please contact Professor Kaplow.) Students may satisfy the course requirement either by submitting, before sessions, short written comments on the paper to be presented or by writing a short seminar paper on an approved topic.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Research Seminar in Law, Economics, and Organizations

**Course #:** 2157      **Term:** 2014FS      **Faculty:** Kaplow, Louis; Spier, Kathryn; Bebchuk, Lucian      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 12:30 PM - 2:00 PM

**Course Description:** This seminar is co-taught by Professors Bebchuk, Kaplow, Spier, Spamann and Prof. Oliver Hart, an Andrew E. Furer Professor of Economics in the Economics Department.

This seminar will involve the presentation by speakers of papers in the fields of law and economics, law and finance, and contract theory. The two-credit seminar will meet for one and a half hours for two-thirds of the weeks in each of the two terms. Lunch will be served. A student may take the seminar for only one term, for one credit (2 credit fall/spring terms, 1 credit fall term, or 1 credit spring term). The seminar is given jointly with the FAS Economics Department, and should be taken only by students with substantial prior interest in and exposure to economic analysis. (If you have questions about this, please contact Professor Kaplow.) Students may satisfy the course requirement either by submitting, before sessions, short written comments on the paper to be presented or by writing a short seminar paper on an approved topic.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Research Seminar in Law, Economics, and Organizations

**Course #:** 2157      **Term:** 2015SP      **Faculty:** Kaplow, Louis; Bebchuk, Lucian; Spier, Kathryn      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:** Mon 12:30 PM - 2:00 PM      **Location**

**Course Description:** This seminar is co-taught by Professors Bebchuk, Kaplow, Spier, Spamann and Prof. Oliver Hart, an Andrew E. Furer Professor of Economics in the Economics Department.

This seminar will involve the presentation by speakers of papers in the fields of law and economics, law and finance, and contract theory. The two-credit seminar will meet for one and a half hours for two-thirds of the weeks in each of the two terms. Lunch will be served. A student may take the seminar for only one term, for one credit (2 credit fall/spring terms, 1 credit fall term, or 1 credit spring term). The seminar is given jointly with the FAS Economics Department, and should be taken only by students with substantial prior interest in and exposure to economic analysis. (If you have questions about this, please contact Professor Kaplow.) Students may satisfy the course requirement either by submitting, before sessions, short written comments on the paper to be presented or by writing a short seminar paper on an approved topic.

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## Responsibilities of Public Lawyers Clinic

**Course #:** 8023      **Term:** 2015SP      **Faculty:** Guinier, Lani      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Legal Profession: Responsibilities of Public Lawyers (4 spring credits). Some seats are reserved for clinical students. Students must enroll in this clinic before they are permitted to enroll in one of the reserved clinical seats.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Various externship placements. Clinical placements are with various local governmental, non-profit, law firms, and legal services organizations. Students should have at least one full day open in their schedule for clinical work. Placements are coordinated by the Office of Clinical and Pro Bono Programs.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Revitalizing America's Cities

**Course #:** 2393      **Term:** 2015SP      **Faculty:** Ogletree, Charles      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 10:30 AM - 12:00 PM

Tue 10:30 AM - 12:00 PM

**Course Description:** This course is designed to examine the major challenges that cities face in the 21st century, challenges ranging from home rule to education alternatives to employment to health care, as well as ways of revitalizing the 21st century city. The course will focus on the relationship between cities and to some extent, counties and rural areas, and their relationship to state, federal, and international authorities.

The course requirements are two response papers (2-4 pages double spaced) during the semester and a 20 to 25 page paper at the end of the term. There are no prerequisites for the course and it is open to first year students.

The required text for the course is *City Bound: How States Stifle Urban Innovation* (Cornell University Press 2008) by Professors Gerald Frug and David Barron. A number of additional articles will be presented during the course.

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## Rhetoric and Public Discourse

**Course #:** 2729      **Term:** 2015SP      **Faculty:** Zittrain, Jonathan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This seminar will cover issues in both individual and public discourse. For the former, students will have an opportunity to hone rhetorical skills in a chosen format -- speaking, presenting, moderating or production of media -- and for the latter, we will explore the evolving nature of discourse in the networked public sphere, from "electronic town halls" to Wikipedia to anonymous and identified commenting. Some of our questions: What roles do and should intermediaries play in setting our topical agendas and shaping conversations around them? What impact does and can money have in influencing opinion on a large scale? What new modalities exist to facilitate conversation and closure among parties who disagree in good faith? Should advocates and agents be treated the same as those who claim to be speaking for themselves? Are there ways to identify and mitigate discourse grounded in bad faith, a.k.a. truthiness?

By application. Possible to fulfill the Written Work Requirement.

The application can be found at <http://brk.mn/rhetoric>, and is due at 11:59 p.m. on Friday, October 10, 2014.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Securities Litigation

**Course #:** 2443      **Term:** 2015SP      **Faculty:** Ferrell, Allen      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

**Location**

**Course Description:** The class will explore a variety of issues that arise in securities litigation. These issues will include accounting fraud, proxy fraud, underwriter liability, the interplay of SEC, criminal, class, and opt-out actions, the extraterritorial application of U.S. securities law, and insider trading. The class will also cover the recurring themes of securities litigation - state of mind, pleading, gatekeeper liability, duty, materiality, class certification, causation, damages, and settlement -- as they arise in various settings.

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## Securities Regulation

**Course #:** 2224      **Term:** 2014FA      **Faculty:** Ferrell, Allen      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Location**

WCC2012

WCC2012

**Course Description:** This course offers an introduction to the two most important federal securities laws: the Securities Act of 1933 and the Securities Exchange Act of 1934. The course explores the elaborate disclosure obligations these statutes impose on the distribution and trading of investment securities. Topics to be covered include the preparation of disclosure documents, exemptions from disclosure requirements, the relationship between disclosure obligations and anti-fraud rules, the duties of participants in securities transactions, and the applicability of federal securities laws to transnational transactions. The course will also explore the public and private enforcement of securities laws in the United States.

Most students find it helpful to have completed or to take concurrently a course in Corporations before taking Securities Regulation.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Selected cases, Supreme Court 2013 Term

**Course #:** 2515      **Term:** 2014FA      **Faculty:** Kagan, Elena      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Reading Group

### Days and Times:

Tue 9:00 AM - 12:00 PM

Wed 9:00 AM - 12:00 PM

Thu 9:00 AM - 12:00 PM

Fri 9:00 AM - 12:00 PM

### Location

WCC3016

WCC3016

WCC3016

WCC3016

**Course Description:** This reading group will focus on a collection of decisions from the most recent Supreme Court term. Admission is by permission of the instructor.

The class will meet on the following days: September 2, 3, 4, and 5. Please note that the exact course meeting times may change (including possibly some evening sessions) and students are asked to be flexible regarding the class schedule.

Participation in all sessions of the reading group is expected. Students admitted to the reading group should make interview and other plans accordingly

### Application Process

Please submit a CV and short essay (one or two paragraphs) explaining interest in the reading group. The essay should include discussion of relevant study at HLS or another institution including constitutional law, administrative law, and statutory interpretation courses. All materials must be submitted no later than Friday, July 25, and all applicants will be notified of their status on Monday, August 4. Please forward all application materials to Cherisa Ellis at [cellis@law.harvard.edu](mailto:cellis@law.harvard.edu)

Drop Deadline: September 3, 2014

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Selected Constitutional Topics

**Course #:** 2675      **Term:** 2015SP      **Faculty:** Tribe, Laurence      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Topics will be drawn from the areas of race and sexual orientation; the fusion of federalism and freedom with respect to health care; freedom of speech; gun rights; surveillance and privacy; unwelcome offers; unconstitutional conditions; and access to justice. The assigned text will be *Uncertain Justice: The Roberts Court and the Constitution* (Holt and Company, 2014) (coauthored by Laurence Tribe and Joshua Matz). Additional materials will be distributed in hardcopy form and online.

The seminar will meet once weekly for two hours and will receive 2 course credits.

Prerequisite: Enrollment will be limited to 15 and will be by permission of the instructor, based on written applications. Submit applications to Prof. Tribe and Kathy McGillicuddy (kmcgill@law.harvard.edu) by 3pm on Friday, October 31. Students with no prior constitutional law background are unlikely to be admitted.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Selected Topics in National Security Law

**Course #:** 2671      **Term:** 2015SP      **Faculty:** Goldsmith, Jack      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** This seminar will examine contemporary legal and policy issues related to U.S. national security. Topics covered will include cybersecurity, surveillance, the significance of Snowden's NSA disclosures, the terrorism threat landscape and the government's evolving counterterrorism strategy, the continuing challenges involved in the interrogation and detention of suspected terrorists, counterterrorism decision-making (including the role of national security lawyers), and the legal and policy issues implicated by maritime controversies in the South and East China Sea. At least half of the seminar will be co-taught by Matthew Olsen, the Director of the National Counterterrorism Center and the former General Counsel of the National Security Agency. And several sessions of the seminar will be co-taught by Commander Michael Adams, the Deputy Legal Counsel to the Chairman of the Joint Chiefs of Staff.

Prerequisite: Seminar is by permission of instructor. A national security law course or a background in national security law or the laws of war, is required. Please send a statement of interest and resume to [qashat@law.harvard.edu](mailto:qashat@law.harvard.edu) by Friday, October 31.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Sentencing: Punishment and Crime

**Course #:** 2457

**Term:** 2015SP

**Faculty:** Gertner, Nancy

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Criminal Law & Procedure

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:**

An examination of the history, philosophy, and administration of the criminal sentencing process. Particular attention will be devoted to: (1) how judges, apart from guidelines, exercise discretion in light of the circumstances of crimes, discretionary decisions by prosecutors, characteristics of offenders, and choices among permissible sanctions and purposes of sentencing; and (2) whether, in the wake of guidelines, even "advisory" guidelines, and mandatory penalties, fact-finding judges may continue to individualize sentences and if so, how. The course will explore different kinds of sentencing regimes-state guideline systems, international models on which sentencing standards have evolved from common law decision making or judge-imposed guidelines (Australia, Israel, England), the American Law Institutes revision of the Model Penal Codes sentencing provisions, and the federal sentencing guidelines. The course will also explore the relationship between sentencing guidelines and the criminal code; the interplay between principles of proportionality, severity, and parsimony; and the impact of race, class, and gender on case outcomes.

Prerequisites:Criminal Law; Criminal Procedure (4,5, 6th amendment or "bail to jail) suggested.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Sex Equality

**Course #:** 2226      **Term:** 2014FA      **Faculty:** MacKinnon, Catharine      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law

**Delivery Mode:** Course

**Days and Times:**

Mon 1:00 PM - 4:00 PM

Tue 1:00 PM - 4:00 PM

**Location**

PND101

PND101

**Course Description:** The relation between sex equality under law and sex inequality in society is interrogated in theory and practice in the context of relevant social science, history, and international and comparative law. Mainstream equality doctrine is probed on its own terms and through an alternative. Cases on concrete issues--including work, family, rape, sexual harassment, lesbian and gay rights, abortion, prostitution, pornography--structure the inquiry. Race, economic class, and transsexuality are considered throughout. The purpose of the course is to understand, criticize, and expand the law toward equality between women and men.

No prerequisites.

Note: This course will meet for the first 7 weeks of the term on these dates: September 8, 9, 15, 16, 22, 23, 29, 30, October 6, 7, 20, and 21.

This course will not be offered in 2015-2016.

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## Sexuality, Gender, and the Law

**Course #:** 2682      **Term:** 2015SP      **Faculty:** Ben-Asher, Noa      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law

**Delivery Mode:** Course

**Days and Times:**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

**Location**

**Course Description:** This course examines state governance of sex, gender and sexuality. Topics include the development of privacy doctrine, state regulation of public and private sex, LGBT advocacy, marriage, transgender issues, intersex identities, sex-work, and employment discrimination. We will examine court decisions and legislation through the lens of various disciplines, including feminist and queer theories, documentary film, and philosophy.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Sinking Islands: Imagining Disasters

**Course #:** 2673      **Term:** 2014FA      **Faculty:** Hershkoff, Helen      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Environmental Law

**Delivery Mode:** Reading Group

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC5050

**Course Description:** Scientists have established that climate change is causing sea levels to rise and land to submerge. The legal system's response to the situation has been uneven and uncertain. Policymakers seem baffled about how or even whether to respond, apparently unable to imagine that disaster can occur not only as a sudden and undeniable catastrophe, but also in slow motion. Looking outside the conventional context, this Reading Group will examine depictions of sinking islands/submerged land in a range of non-legal sources, including ancient philosophy, Native American myths, and the Bible.

At the first session, participants collectively will generate a set of discussion-questions aimed at analyzing the texts and discerning their relevance to current legal thinking. Each participant, alone or in collaboration with one or two other students, will be expected to hand in short (2-5 pp.) response papers before every subsequent session to help frame discussion, and a student or student-team will be responsible for leading the discussion.

Note: The reading group will meet on the following dates: 9/10 (introductory session from 5-5:45p), 9/17, 10/1, 10/15, 10/29, 11/12, 12/3.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Sports and the Law: Examining the Legal History and Evolution of America's Three "Major League" Sports: MLB, NFL and NBA

**Course #:** 2229      **Term:** 2014FA      **Faculty:** Carfagna, Peter      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**

Thu 1:15 PM - 4:15 PM

**Location**

HAU102

**Course Description:** This basic Sports Law course will offer an overview of the three major sports that dominate the American sports scene today: Major League Baseball, the National Football League, and the National Basketball Association. The Course will devote approximately equal time to each of these 3 major sports, and compare/contrast the similarities and differences among them, from an historical legal perspective. Specifically, it will evaluate the evolution of the 3 major leagues, and examine how Supreme Court and other courts landmark decisions have affected the path of their progress. In so doing, practical examples of the cutting edge issues for practitioners in each of these 3 leagues will be offered. "Hypothetical" examples of negotiating, drafting and litigating the most significant issues in each of these 3 sports will be analyzed in group settings. Negotiation strategies, contract-drafting techniques and litigation-related resolutions will be explored within each group.

Class participation and successful completion of weekly assignments will count for a significant portion of the students final grade. Enrollment is available to second year, third year and LLM students. For JD students who take this course, it will satisfy one half of the Option 2 writing requirement.

Students taking this course and who are interested in sports law clinical placements during winter or spring 2014 are strongly encouraged to enroll in the 1-credit fall 2013 "Sports and the Law: Advanced Contract Drafting. This seminar will provide students the opportunity to negotiate and draft agreements that a lawyer advising a sports team would encounter. Students in the seminar will learn about the various components of complex deal documents and have the opportunity to then draft these documents. Students in the seminar will also explore and experiment with negotiating strategies. Overall, the goal of the seminar is to have students master skills related to negotiating, drafting, and analyzing the various moving parts of complicated agreements regarding stadium leasing; naming rights; sponsorship; media rights; food and beverage; provision of medical; hospital and financial services; state-operated entities; and purchase and sale of sports teams.

This course fulfills the pre-requisite for the Sports Law Clinic. Please see the clinic's description or review the Sports Law Clinic Guide for more information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Sports and the Law: Representing the Professional Athlete

**Course #:** 2230      **Term:** 2015WI      **Faculty:** Carfagna, Peter      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 4:15 PM

Tue 1:00 PM - 4:15 PM

Wed 1:00 PM - 4:15 PM

Thu 1:00 PM - 4:15 PM

Fri 1:00 PM - 4:15 PM

### Location

### Course Description:

This course will begin with an overview of the sports marketing industry and then proceed to discuss some of the more important legal doctrines relating to that industry, involving intellectual property law, labor law and contract law. In that context, the course will explore the skills necessary to conduct a series of "hypothetical" sports-related contract negotiations. The students will then participate in group-based contract-drafting exercises with an emphasis on client representation. Contracts to be drafted include a "product endorsement agreement," and a "name, image and likeness" lithograph poster agreement. Simulated depositions and "oral arguments" will also be conducted. Next, in the context of a mock litigation, students will assume a "contract breach" of the agreements they have drafted. In turn, they will draft document requests, deposition questions and legal briefs in support of the contractual positions taken during the contract drafting exercises.

Class participation and successful completion of weekly assignments will count for a significant portion of the students final grade. Enrollment is available to second year, third year, and LLM students. For JD students who take this course, it will satisfy one half of the Option 2 writing requirement.

This course fulfills the pre-requisite for the Sports Law Clinic. Please see the clinic's description or review the Sports Law Clinic Guide for more information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Sports Law Clinic

**Course #:** 8028      **Term:** 2015SP      **Faculty:** Carfagna, Peter      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: This clinic requires that students have taken or are currently taking at least one of the courses listed below.  
Additional Co-/Pre-Requisites: The following courses do not have any seats reserved for clinical students: Sports Law: Advanced Contract Drafting (fall 2014); Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA (fall 2014); Sports and the Law: Representing the Professional Athlete (winter 2015).  
By Permission: Yes. The deadline to apply is Monday, October 13, 2014. Please see below for additional instructions.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Various externship placements.  
Sports Law clinical placements are in a variety of settings, including legal departments of major leagues or sports franchises, and with law firms and lawyers doing sports law in representing individual players, teams, or leagues. Students clinical work in the field can may include contract and transactional work, arbitration, litigation, research, and writing.  
Peter Carfagna, instructor of sports law courses at HLS, oversees clinical placements and students clinical work. Admission in the clinic is by application. Applications are due by 5pm on Monday, October 13, 2014. To apply, please review the Sports Law Clinic Guide before submitting a statement of interest (including which semester you are applying for) and a resume to [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu) and to Professor Carfagna ([pcarfagna@law.harvard.edu](mailto:pcarfagna@law.harvard.edu)). Please note that your application materials may be sent to placement organizations during the selection process.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Sports Law Clinic

**Course #:** 8028      **Term:** 2015WI      **Faculty:** Carfagna, Peter      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: This clinic requires that students have taken or are currently taking at least one of the courses listed below.  
Additional Co-/Pre-Requisites: The following courses do not have any seats reserved for clinical students: Sports Law: Advanced Contract Drafting (fall 2014); Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA (fall 2014); Sports and the Law: Representing the Professional Athlete (winter 2015).  
By Permission: Yes. The deadline to apply is Monday, October 13, 2014. Please see below for additional instructions.  
Add/Drop Deadline: December 5, 2014.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Various externship placements.  
Sports Law clinical placements are in a variety of settings, including legal departments of major leagues or sports franchises, and with law firms and lawyers doing sports law in representing individual players, teams, or leagues. Students clinical work in the field can may include contract and transactional work, arbitration, litigation, research, and writing.  
Peter Carfagna, instructor of sports law courses at HLS, oversees clinical placements and students clinical work. Admission in the clinic is by application. Applications are due by 5pm on Monday, October 13, 2014. To apply, please review the Sports Law Clinic Guide before submitting a statement of interest (including which semester you are applying for) and a resume to [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu) and to Professor Carfagna ([pcarfagna@law.harvard.edu](mailto:pcarfagna@law.harvard.edu)). Please note that your application materials may be sent to placement organizations during the selection process.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Sports Law: Advanced Contract Drafting

**Course #:** 2349      **Term:** 2014FA      **Faculty:** Carfagna, Peter      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Employment & Labor Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

GRS110

**Course Description:** This seminar will provide students the opportunity to negotiate and draft agreements that a lawyer advising a sports team would encounter. Students in the seminar will learn about the various components of complex deal documents and have the opportunity to then draft these documents. Students in the seminar will also explore and experiment with negotiating strategies. Overall, the goal of the seminar is to have students master skills related to negotiating, drafting, and analyzing the various moving parts of complicated agreements regarding stadium leasing; naming rights; sponsorship; media rights; food and beverage; provision of medical; hospital and financial services; state-operated entities; and purchase and sale of sports teams.

Additional Written Work Option: Any student can earn up to two (2) additional writing credits in connection with this course by completing any of the Agreement-related assignments listed in the course syllabus. In other words, as to the Lease Agreement and the Other Agreements listed in the syllabus, we will only be able to draft selected clauses from each of the Agreements. If any student chooses to draft additional clauses and/or any of those syllabus-listed Agreements in their entirety, Professor Carfagna would be happy to supervise such a project for an extra credit or 2 credits, depending upon the length of the project.

This course fulfills the pre-requisite for the Sports Law Clinic. Please see the clinic's description or review the Sports Law Clinic Guide for more information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## State Constitutional Law

**Course #:** 2507      **Term:** 2015WI      **Faculty:** Sutton, Jeffrey      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

**Course Description:** This survey course explores the nature and significance of state constitutional law, a topic that has long lived in the shadow of federal constitutional law but that has become increasingly relevant in recent years. The course covers rights and structure, and in both settings it compares the federal model to the various state models. Of particular emphasis is the role of the state courts in protecting liberty and property rights under their own constitutions, and most notably whether they should construe these guarantees to offer protections that the federal courts have not provided in construing the federal constitution. Examples include litigation involving school funding, marriage, property takings, criminal procedure, the free exercise of religion, among others. We also will consider the amendment procedures of the state constitutions, the election of state court judges, the non-unitary executive under most state constitutions and other structural issues.

Each student will be responsible for one in-class presentation and two 6-8 page papers.

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## Statutory Interpretation in the Modern Day

**Course #:** 2645      **Term:** 2015SP      **Faculty:** Davies, Susan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This seminar will focus on the central features of modern debates on the modes and goals of statutory interpretation through a critical analysis of the academic literature and the caselaw.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Supreme Court and Environmental Law

**Course #:** 2662      **Term:** 2014FA      **Faculty:** Lazarus, Richard      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Environmental Law

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC5048

**Course Description:**

This seminar will explore the role of the United States Supreme Court in the shaping of the nations environmental and natural resources laws. Students will review and discuss some of the most significant Supreme Court rulings and Justices, beginning with the nations early years and extending to current times and issues now before the Court. The seminar will also examine the role of advocacy before the Court in environmental cases. Readings will include legal scholarship on the Courts environmental law precedent, the Courts opinions, and in-depth examination of the briefs and oral arguments in significant environmental law Supreme Court cases.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Supreme Court Litigation

**Course #:** 2233      **Term:** 2015WI      **Faculty:** Russell, Kevin; Goldstein, Thomas; Massey, Jonathan      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

**Course Description:** Required Clinic Component: Supreme Court Litigation Clinic (2 winter credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes. Applications are due by October 20, 2014.  
Add/Drop Deadline: December 5, 2014.  
LLM Students: LLM students may apply by submitting an application.  
Placement Site: Washington D.C.  
This winter-term class is taken concurrently with the Supreme Court Litigation Clinic. Students are immersed in the intensive practice of law before the United States Supreme Court. Both the class and clinic will take place in Washington, D.C. to facilitate greater interaction between students, instructors and the litigation process at the Supreme Court.  
The clinic and course will consist of intensive work on actual cases before the Court, as well as a series of lectures and classroom discussions on Supreme Court practice -- including strategy, procedure, brief writing, and oral advocacy. Students will be assigned to small teams, each working closely with an instructor to write and file a petition for certiorari, brief in opposition to certiorari, merits brief, amicus brief and/or to prepare for oral argument in a pending case. In addition, students will attend arguments at the Supreme Court, view a moot court, and meet with leading members of the Supreme Court bar, former Supreme Court clerks, and members of the Supreme Court press corps. Transportation to and from Washington, as well as housing during the term, will be provided.  
The work is both rewarding and extremely intensive, precluding students from undertaking any significant non-class-related activities during the winter term. Students will work long hours, including on the weekends. They will be provided transportation to and from Washington, D.C., as well as housing (which will require students to share hotel rooms, likely two students per bedroom). Housing will not be provided for students spouses or significant others. Students will be responsible for providing themselves meals and transportation within the city (housing will be located as close as possible to the metro system).  
Enrollment is through an application process. Interested students must submit a resume, an informal transcript, and an unedited writing sample (i.e., a writing sample not edited by anyone other than the author) of fifteen to twenty pages to Maggie Bay (mbay@law.harvard.edu) by October 20, 2014. Enrollment is limited to 10 students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Supreme Court Litigation Clinic

**Course #:** 8030      **Term:** 2015WI      **Faculty:** Russell, Kevin; Goldstein, Thomas; Massey, Jonathan      **Credits:** 2.00

**Type:** HLS Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Supreme Court Litigation (1 winter credit). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes. Applications are due by October 20, 2014.  
Add/Drop Deadline: December 5, 2014.  
LLM Students: LLM students may apply by submitting an application.  
Placement Site: Washington D.C.  
This winter-term clinic is taken concurrently with the Supreme Court Litigation class. Students are immersed in the intensive practice of law before the United States Supreme Court. Both the class and clinic will take place in Washington, D.C. to facilitate greater interaction between students, instructors and the litigation process at the Supreme Court.  
The clinic and course will consist of intensive work on actual cases before the Court, as well as a series of lectures and classroom discussions on Supreme Court practice -- including strategy, procedure, brief writing, and oral advocacy. Students will be assigned to small teams, each working closely with an instructor to write and file a petition for certiorari, brief in opposition to certiorari, merits brief, amicus brief and/or to prepare for oral argument in a pending case. In addition, students will attend arguments at the Supreme Court, view a moot court, and meet with leading members of the Supreme Court bar, former Supreme Court clerks, and members of the Supreme Court press corps. Transportation to and from Washington, as well as housing during the term, will be provided.  
The work is both rewarding and extremely intensive, precluding students from undertaking any significant non-class-related activities during the winter term. Students will work long hours, including on the weekends. They will be provided transportation to and from Washington, D.C., as well as housing (which will require students to share hotel rooms, likely two students per bedroom). Housing will not be provided for students spouses or significant others. Students will be responsible for providing themselves meals and transportation within the city (housing will be located as close as possible to the metro system).  
Enrollment is through an application process. Interested students must submit a resume, an informal transcript, and an unedited writing sample (i.e., a writing sample not edited by anyone other than the author) of fifteen to twenty pages to Maggie Bay (mbay@law.harvard.edu) by October 20, 2014. Enrollment is limited to 10 students.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Tax Law, Policy and Practice

**Course #:** 2496      **Term:** 2014FA      **Faculty:** Halperin, Daniel      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Taxation

**Delivery Mode:** Seminar

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC5044

**Course Description:** This seminar will consider a range of current issues in taxation focusing on works-in-progress by invited participants. Students will be asked to write short response papers to the papers to be presented. The seminar will meet every other week (one credit). The seminar will be offered in the spring by Professor Shay. Students may enroll in either both sections or for one semester only.

Prerequisite: Taxation

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## Tax Law, Policy and Practice

**Course #:** 2496      **Term:** 2015SP      **Faculty:** Shay, Stephen      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Seminar

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

**Course Description:** This seminar will consider a range of current issues in taxation focusing on works-in-progress by invited participants. Students will be asked to write short response papers to the papers to be presented. The seminar will meet every other week (one credit.) The seminar will be offered in the spring by Professor Halperin. Students may enroll in either both sections or for one semester only.

Prerequisite: Taxation

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Taxation

**Course #:** 2234      **Term:** 2014FA      **Faculty:** Kaplow, Louis      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Course

### Days and Times:

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

### Location

WCC2004

WCC2004

**Course Description:** This course is an introductory study of federal income taxation covering inclusion and exclusion of items in computing gross income; deductions from gross income; tax accounting; capital gains and losses; and the treatment of the family and trusts. Consideration will be given to the interaction of legislative, executive, and judicial agencies in the making, administering, and interpreting of the tax law; to the goals of the tax law and possibilities for future development of it; to the private lawyers professional role with respect to administration of the tax law; and to the impact of the tax law on private property transfers and other transactions.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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## Taxation

**Course #:** 2234      **Term:** 2014FA      **Faculty:** Halperin, Daniel      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Course

### Days and Times:

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

### Location

WCCB010

WCCB010

WCCB010

**Course Description:** This course focuses on the U.S. federal income tax and the policy considerations that inform the design of the tax, which has become an important governmental tool for influencing many aspects of modern American life. The course accordingly examines not only the concept of taxable income, but also how the federal government uses the tax to influence the behavior of taxpayers, whether wealthy (e.g., the capital gains preference), middle-income (the education credits) or lower-income (the earned income credit). A principal goal of this course is also to teach students to analyze and apply a complex federal statute. Unless waived by the instructor, Taxation is generally a pre-requisite for J.D. students in the advanced tax courses.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Taxation

**Course #:** 2234      **Term:** 2014FA      **Faculty:** Shay, Stephen      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Course

### Days and Times:

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

### Location

WCC1019

WCC1019

WCC1019

**Course Description:** This course focuses on the U.S. federal income tax and the policy considerations that inform the design of the tax, which has become an important governmental tool for influencing many aspects of modern American life. The course accordingly examines not only the concept of taxable income, but also how the federal government uses the tax to influence the behavior of taxpayers, whether wealthy (e.g., the capital gains preference), middle-income (the education credits) or lower-income (the earned income credit). A principal goal of this course is also to teach students to analyze and apply a complex federal statute. Unless waived by the instructor, Taxation is generally a pre-requisite for J.D. students in the advanced tax courses.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

## Taxation

**Course #:** 2234      **Term:** 2014FA      **Faculty:** Desai, Mihir      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Course

### Days and Times:

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

### Location

GRS110

GRS110

**Course Description:** This course focuses on the U.S. federal income tax and the policy considerations that inform the design of the tax, which has become an important governmental tool for influencing many aspects of modern American life. The course accordingly examines not only the concept of taxable income, but also how the federal government uses the tax to influence the behavior of taxpayers across the income spectrum. A principal goal of this course is also to teach students to analyze and apply a complex federal statute. Unless waived by the instructor, Taxation is generally a pre-requisite for J.D. students in the advanced tax courses. The materials for the course are Graetz, and Schenk, Federal Income Taxation (7th edition, 2013), and CCH Federal Income Tax, Code and Regulations, Selected Sections (2014-2015 edition).

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Taxation

**Course #:** 2234      **Term:** 2015SP      **Faculty:** Warren, Alvin      **Credits:** 4.00

**Type:** Multi-section Course      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Course

### Days and Times:

Wed 8:15 AM - 9:40 AM

Thu 8:15 AM - 9:40 AM

Fri 8:15 AM - 9:40 AM

### Location

**Course Description:** This course focuses on the U.S. federal income tax and the policy considerations that inform the design of the tax, which has become an important governmental tool for influencing many aspects of modern American life. The course accordingly examines not only the concept of taxable income, but also how the federal government uses the tax to influence the behavior of taxpayers, whether wealthy (e.g., the capital gains preference), middle-income (the education credits) or lower-income (the earned income credit). A principal goal of this course is also to teach students to analyze and apply a complex federal statute. Unless waived by the instructor, Taxation is generally a pre-requisite for J.D. students in the advanced tax courses.

The materials for the course are Graetz, and Schenk, Federal Income Taxation (7th edition, 2013), and CCH Federal Income Tax, Code and Regulations, Selected Sections (2014-2015 edition).

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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## Taxation of Business Corporations

**Course #:** 2274      **Term:** 2015SP      **Faculty:** Warren, Alvin      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Course

### Days and Times:

Mon 8:30 AM - 10:10 AM

Tue 8:30 AM - 10:10 AM

### Location

**Course Description:** This course covers the federal income tax issues involved in the organization, operation, and restructuring of U.S. corporations. The course provides the tax background necessary for understanding and participating in the creation of many types of business transactions of both publicly and closely held enterprises, including acquisitions, liquidations, mergers, and spinoffs. The materials for the course are Doernberg, Abrams & Leatherman, Federal Income Taxation of Corporations and Partnerships (5th ed., 2014) and CCH, Federal Income Tax Code and Regulations -- Selected Sections (2013-14 edition).  
Prerequisite: Taxation is a prerequisite for this course, or you must seek permission from the instructor. Corporations is a recommended preparation

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Teaching Copyright

**Course #:** 2636      **Term:** 2015SP      **Faculty:** Fisher, William      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 7:00 PM - 9:00 PM

**Course Description:** Note: The credit breakdown for this course is as follows: three total credits -- two classroom credits and one writing credit.

This course is designed for students who are interested in deepening their knowledge of copyright law and gaining experience with law teaching. Each student in the course will be a Teaching Fellow for CopyrightX, an online copyright course taught by Prof. Fisher to roughly 500 students worldwide. The weekly meetings of the course have two functions: to provide an advanced seminar on copyright; and to provide students guidance and support as they learn to teach.

CopyrightX closely parallels the HLS course on Copyright. Like the HLS students, the CopyrightX students learn the essential elements of both doctrine and theory by watching videotaped lectures prepared by Prof. Fisher, reading cases and secondary materials, and watching webcast special events in which guest speakers examine controversial current topics. In addition, each CopyrightX student participates in a 25-person seminar led by a Teaching Fellow.

Each Teaching Fellow has two primary responsibilities: to conduct each week an 80-minute live online discussion that uses case studies to refine his or her students' understanding of the pertinent laws and policies; and to draft or revise (at some point during the semester) one case study that will be employed both by Prof. Fisher and by the other Teaching Fellows to facilitate discussions. In addition, the Teaching Fellows will meet once a week with Prof. Fisher to debate the issues addressed in the lecture and readings for that week and to exchange ideas concerning possible ways of teaching their own seminars. During most weeks, this meeting will be held from 10:20 to 11:40 am on Wednesdays. On the few occasions when the HLS Copyright course meets on Wednesdays, Teaching Copyright will meet from 7 to 9 pm on Tuesday evening.

Additional information concerning CopyrightX and the role of the Teaching Fellows can be found by visiting [copyx.org](http://copyx.org) or by emailing [copyrightx@cyber.law.harvard.edu](mailto:copyrightx@cyber.law.harvard.edu). During the first week of October, there will be an informational session, in which Prof. Fisher will describe this venture in more detail and respond to questions.

Prerequisite: Teaching Copyright is open to Harvard Law School students who either have already taken a course on Copyright at HLS or will be enrolled in such a course during the Spring of 2015. Other students can enroll only with the permission of the instructor.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Administrative State: Law and Theory

**Course #:** 2676      **Term:** 2014FA      **Faculty:** Vermeule, Adrian; Sunstein, Cass      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

Wed 4:00 PM - 6:00 PM

**Location**

LEW214B

**Course Description:** We will read and discuss both classical and contemporary work about the administrative state. We will address the place of the administrative state in the constitutional order, the design of its institutions, and the merits and demerits of competing approaches to regulation and policymaking. Readings will include academic theory in law and adjacent disciplines, caselaw, and executive branch materials.

Prerequisite: By permission. Legislation and Regulation or the equivalent is a prerequisite. Interested students should send a short (1-paragraph) statement of interests, qualifications, and a resume to Ellen Keng (ekeng@law.harvard.edu) by Monday, September 1.

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## The Art and Science of Financial Regulation

**Course #:** 2723      **Term:** 2014FA      **Faculty:** Paredes, Troy      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Reading Group

**Days and Times:**

Thu 3:00 PM - 5:00 PM

**Location**

WCC3009

**Course Description:** Financial services are subject to historic regulatory change. The Dodd-Frank Act is a case in point, although the legislation and the hundreds of rulemakings that it directs do not capture all that is underway and that can be anticipated. The regulatory developments taking hold impact banks, broker-dealers, asset managers, exchanges, credit rating agencies, investors, and others in the finance industry as well as operating companies that rely on banks and capital markets. This course will focus on these developments, including the state of the regulatory landscape and its impact on our capital markets, the role and mission of the SEC, and how the SEC operates in practice.

Note: This reading group will meet on 9/11, with the remainder of meeting dates to be announced at the first meeting.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Constitutional Law of Money

**Course #:** 2452      **Term:** 2014FA      **Faculty:** Desan, Christine      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Constitutional Law & Civil Rights

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 2:30 PM

Tue 1:00 PM - 2:30 PM

### Location

WCCB015

WCCB015

**Course Description:** Money and credit are public institutions that are created by law. As the financial crisis revealed, the way they are configured matters enormously. The authority of the Federal Reserve, for example, apparently includes the ability to make monetary policy decisions that move hundreds of billions of dollars. Similarly, the struggle to make a national money, along with the tax and debt levers used to that end, have shaped "federalism" at a basic level. This course will consider how American polities, including the early colonies, the states, and the national government, have created money and used it for public purposes from war to economic development, as well as how those governments have made money available to individuals for their exchange.

Our coverage will include the following and similar controversies. 1) The debate over the constitutionality of the Bank of United States, 2) The changing definition of money - including the litigation over the Greenbacks and the legislation identifying government securities as the basis of high-powered money today, 3) U.S. v. Perry and the American devaluation of the dollar, 4) The authority of the Federal Reserve as an independent agency.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Effects of Mass Incarceration: Experiences of Prison and Parole

**Course #:** 2624      **Term:** 2014FA      **Faculty:** Umunna, Dehlia      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure

**Delivery Mode:** Reading Group

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC3008

**Course Description:** More than 6 million Americans are under correctional supervision in the United States which incarcerates people at a rate drastically out of proportion with its population compared with the rest of the world. The yearly US cost of incarceration is over \$60 billion per year. There are major debates on incarceration issues swirling in the general public and in the legal community ranging from the morality and efficacy of solitary confinement to the effects of prison overcrowding to the proper administration of parole to the appropriateness of life sentences without parole for a variety of populations and crimes. The effects of incarceration fall disproportionately on communities of color and perpetuate the cycle of poverty.

Through a combination of practical experiences and written texts, students will examine the experience and effects of incarceration and parole locally, nationally, and internationally. Experiences in the reading group may include: touring local prisons or jails, guest speakers including lifetime parolees and formerly incarcerated individuals, and a wide variety of written texts including essays, case studies, and research.

Note: The reading group will meet on the following dates: 9/22, 10/6, 10/20, 11/3, 11/17, 12/1, 12/8.

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## The Effects of Mass Incarceration: Experiences of Prison and Parole

**Course #:** 2624      **Term:** 2015SP      **Faculty:** Umunna, Dehlia      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure

**Delivery Mode:** Reading Group

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

**Course Description:** More than 6 million Americans are under correctional supervision in the United States which incarcerates people at a rate drastically out of proportion with its population compared with the rest of the world. The yearly US cost of incarceration is over \$60 billion per year. There are major debates on incarceration issues swirling in the general public and in the legal community ranging from the morality and efficacy of solitary confinement to the effects of prison overcrowding to the proper administration of parole to the appropriateness of life sentences without parole for a variety of populations and crimes. The effects of incarceration fall disproportionately on communities of color and perpetuate the cycle of poverty.

Through a combination of practical experiences and written texts, students will examine the experience and effects of incarceration and parole locally, nationally, and internationally. Experiences in the reading group may include: touring local prisons or jails, guest speakers including lifetime parolees and formerly incarcerated individuals, and a wide variety of written texts including essays, case studies, and research.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Fiction and Biography of Philip Roth: Meditation on American Identity

**Course #:** 2690

**Term:** 2014FA

**Faculty:** Stone, Alan

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Reading Group

**Days and Times:**

Thu 5:00 PM - 7:00 PM

**Location**

WCC3008

**Course Description:** Drop deadline: September 19, 2014

Readings include Five Short Stories (1959), The Ghost Writer (1979), The Counterlife (1986), American Pastoral (1997), The Human Stain (2000) and Roth Unbound: A Writer and His Books by Claudia Roth Pierpont (2013).

Note: The reading group will meet on the following dates: September 18, 25, October 9, 23, 30, and November 6.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Fulfilled Life and the Life of the Law

**Course #:** 2382      **Term:** 2014FA      **Faculty:** Brewer, Scott      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Disciplinary Perspectives & Law

**Delivery Mode:** Course

### Days and Times:

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 2:00 PM

### Location

WCC4059

WCC4059

### Course Description:

What is it to lead a fulfilled life? This was the central question for ancient philosophers, in both the east and the west, for whom philosophy was not only theory. It was a method designed to achieve both rigorous conceptual analysis and a fulfilled human life. In this course we will explore several of the methods philosophers have proposed for leading a fulfilled life and consider some of the rich suggestions or implications of these methods for leading a fulfilled life of the law, the life led by law students, lawyers, judges, and others interested in administering, shaping, or living according to law. Among the methods or philosophical ways of life we will explore are: use of the Socratic method (and the closely related methods of reflective equilibrium and casuistry) to lead an examined life (Socrates and Plato), use of the dialectical method to achieve a transcendent conceptual clarity (Plato), use of skeptical therapy to achieve a life of serenity (Pyrrhonian skepticism), use of meditative techniques designed to enable a life of equanimity and awareness (Buddhist and Hindu philosophy), and cultivation of joyful wisdom (Nietzsche). Readings are from a variety of legal theorists and ancient, modern, and contemporary philosophers.

The class meets for a total of three classroom hours a week, divided into two hours (Thursday) plus one hour (Friday). The Thursday meeting is a seminar-style discussion of assigned readings. The Friday meeting is a workshop devoted to practicing the different philosophical methods that we are studying; we will, for example, not only learn what the Socratic method is, but we will also practice doing the Socratic method (and the other philosophical methods noted above).

No background in philosophy is required. Course work consists of ten one-to-two page response papers based on the weekly reading (of which you may choose eight as the basis of the written work component of your grade) and class participation. Cross-registrants are welcome. Anyone seeking information about this course should feel free to contact Professor Scott Brewer at [sbrewer@law.harvard.edu](mailto:sbrewer@law.harvard.edu).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Genealogy of Continental Philosophy and Law

**Course #:** 2506      **Term:** 2014FS      **Faculty:** Kennedy, Duncan; Xifaras, Mikhail      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

Wed 7:00 PM - 9:00 PM

Thu 7:00 PM - 9:00 PM

**Location**

WCC3036

WCC3036

**Course Description:** This year long seminar will read and discuss short books or heavily edited texts by twelve authors whose reflections on law have had a deep influence on modern legal thought. These are Bentham, Kant, Hegel, Savigny, Marx, Jhering, Kierkegaard, Nietzsche, Weber, Freud, Schmitt and Kelsen. The seminar will first of all be concerned with developing clear and accurate interpretations of the texts. A second focus will be on the authors' interventions in legal theory as situated in the social and political context of their times. A third will be identifying the development and subsequent transformation of new modes of legal reasoning, as bearing on law as a supposedly autonomous discipline.

Reactions papers and a twenty page final paper will be required.

Note:: The credit breakdown for this seminar is as follows: two total credits with one credit awarded in the fall and one credit awarded in the spring.

The seminar will meet on the following dates: October 15, 16, 22, 23, February 18, 19, 25, 26, April 21, 22, 28 and 29.

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## The History of Evidence

**Course #:** 2694      **Term:** 2014FA      **Faculty:** Lepore, Jill      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal History

**Delivery Mode:** Seminar

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC4063

**Course Description:** This course will examine and compare the rules and standards of evidence in law, history, science, and journalism. What counts as proof in these fields varies and has changed over time, often wildly. Emphasis will be on the histories of Western Europe and the United States, from the middle ages to the present, with an eye toward understanding how ideas about evidence shape criminal law and with special attention to the rise of empiricism in the nineteenth century, the questioning of truth in the twentieth, and the consequences of the digital revolution in the twenty-first. Topics will include the histories of trial by ordeal, trial by jury, spectral evidence, the footnote, case law, fact checking, expert testimony, the polygraph, statistics, DNA, anonymous sources, and big data.

Note: This course is jointly offered with FAS as History 1916.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Internet: Governance and Power

**Course #:** 2667      **Term:** 2015SP      **Faculty:** Goldsmith, Jack; Schneier, Bruce      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This seminar will examine the individuals and institutions that control the Internet, and how the Internet affects the distribution and operation of power, broadly conceived. We will examine technologies of control (such as surveillance, censorship, propaganda, and use control) and of evading control, the individuals and institutions that seek to regulate the Internet (such as governments, the IETF, and hackers), the relationship between cybersecurity, national security, and Internet governance, the economics of Internet communications, and more.

Prerequisite: Seminar is by permission of instructor. Please send a statement of interest and resume to qashat@law.harvard.edu by Friday, October 31.

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## The Law and Practice of Japanese Business

**Course #:** 2664      **Term:** 2014FA      **Faculty:** Kusano, Koichi; Ramseyer, J. Mark      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

WCCB015

**Course Description:** The course will explore several questions that have arisen in recent Japanese legal practice among the business community. These involve hostile acquisitions (and defenses like poison pills); contracting practices (and antitrust litigation) among automobile assemblers and suppliers; legislation and litigation in the consumer finance industry; and employee hiring and layoff practices.

The course will meet in six two-hour blocks, held once per week during the first six weeks of the semester. All readings will be in English.

Professor Koichi Kusano is a senior partner at the law firm of Nishimura & Asahi, director of Rakuten, Inc., corporate auditor of Koito Manufacturing Co., Ltd., and Professor of Law, Keio University Law School. He is a graduate of the University of Tokyo and Harvard Law School, and a member of the bar in Tokyo and New York.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Law of Nonprofit Organizations

**Course #:** 2156      **Term:** 2015SP      **Faculty:** Bjorklund, Victoria      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Taxation

**Delivery Mode:** Course

**Days and Times:**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

**Location**

**Course Description:** Students will read and discuss statutes, regulations and cases and then draft governing documents, filings, and memoranda related to public charities and private grantmaking foundations. Students will also consider legal aspects of charities operating issues, including dispute resolution. In addition to classes, students will have the opportunity to meet individually with the professor to discuss her markups of their drafts.

Students will be graded on drafting assignments, class attendance and regular active class participation.

Note: The course will meet on the following days: TBD.

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## The Modern Judiciary

**Course #:** 2720      **Term:** 2014FA      **Faculty:** Huang, Bert      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC5044

**Course Description:** We will read a selection of new scholarship about how judges make decisions and about how courts function. Our readings are likely to range in subject from the state courts to the U.S. Supreme Court to judicial systems in other countries. At some of our meetings, we may be joined by judges or other guests.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Philosophical Reinvention of Christianity

**Course #:** 2713

**Term:** 2015SP

**Faculty:** Unger, Roberto; Lamberth, David

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 1:00 PM - 3:00 PM

**Course Description:**

A study of how some of the major philosophers of the West -- many of whom considered themselves Christians -- interpreted Christianity. Through the lens of the philosophical account of Christianity, we consider the content of the Christian message and its implications for the conduct of life and the organization of society. We also explore, from this perspective, the nature of religious experience and its relation to the ambitions of philosophy. Readings drawn from the works of Aquinas, Nicholas of Cusa, Kant, Hegel, Kierkegaard, Nietzsche, and others as well as from the writings of twentieth-century theologians who have worked across the contested frontier between philosophy and theology. Note: This course is jointly offered with the Divinity School and FAS (Study of Religion) and is open to graduate and undergraduate students alike. David Lamberth is Professor of Philosophy and Theology at the Divinity School.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Role of the State Attorney General

**Course #:** 2237      **Term:** 2015SP      **Faculty:** Tierney, James      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:10 PM - 3:10 PM

**Course Description:** The role of state attorneys general has dramatically expanded as these elected officials and their staff have become increasingly important actors in American jurisprudence. In the aftermath of their historic \$27 Billion settlement against major banks and the litigation against the tobacco industry, attorneys general continue to make their mark in consumer protection, antitrust, civil rights, education, immigration, labor law, political corruption and environmental protection even as they tender daily legal advice that impacts the workings of state government. Working alone or in combination with the federal government, their colleagues in other states or with businesses, unions and interest groups, the attorneys general are now major players in American jurisprudence.

This two credit course examines the core duties of attorneys general and reviews and critiques their authority and performance. The class will examine the means utilized by attorneys general in carrying out their responsibilities including their ethical responsibilities. We will also discuss the implications for federalism and separation of powers by exploring state relations with state and federal agencies that have parallel jurisdiction. Finally, the course will discuss the impact that interest groups and the media have on the office of attorney general. Attorneys general and their staff regularly visit the class.

Students admitted into the clinic must complete a security clearance in advance of starting clinical work. Due to the security clearance, this clinic has early add/drop deadlines. Clinical students are also required to attend three to four additional non-credit evening seminars that are held on campus and are facilitated by the Assistant Attorney General intern coordinator. Students are strongly recommended to set aside 15 hours per week (3 credits) in their schedule for clinical work. For additional information, please see the clinics description.

Some seats are reserved for students enrolled in the Government Lawyer: Attorney General Clinic. Students must be enrolled in the clinic before they can claim one of these reserved seats. A student's enrollment in a reserved clinical seat is dependent on the student's enrollment in the Attorney General Clinic. Please see the clinic's description for more information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Social Science of Financial Regulation

**Course #:** 2710      **Term:** 2014FA      **Faculty:** Jackson, Howell      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Regulatory Law

**Delivery Mode:** Reading Group

**Days and Times:** Mon 5:00 PM - 6:30 PM      **Location:** LEW301

**Course Description:** In this reading group, we will read a collection of recent academic work dealing with various areas of financial regulation. The emphasis will be on scholarship that employs social science research to illuminate current public policy questions. Readings will address systemic risks of the sort that surfaced in the financial crisis of 2008, consumer protection, supervisory practices, and the design of regulatory structures.

Students interested in doing their own research in the field will be welcome to undertake independent writing projects with Professor Jackson during the Winter or Spring Terms.

Students participating in the reading group will be expected to write short reaction papers on class assignments. The group will meet approximately eight 90 minutes sessions during the semester.

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## The Supreme Court 2005-2015

**Course #:** 2722      **Term:** 2014FA      **Faculty:** Kavanaugh, Brett      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Reading Group

**Days and Times:** Mon 5:00 PM - 7:00 PM      **Location:** WCC3011

**Course Description:** In this reading group, we will analyze and discuss certain important Supreme Court opinions that have been issued since 2005 when John Roberts became Chief Justice. In the six meetings, we will focus on some leading decisions within six particular areas of the Courts post-2005 jurisprudence: war powers, freedom of speech and religion, equal protection, Fourth Amendment, federalism, and separation of powers. We will also look ahead to the Supreme Courts 2014-15 Term.

Prerequisite: Permission of the instructor is required. If interested, please send a resume to [brett\\_kavanaugh@cad.uscourts.gov](mailto:brett_kavanaugh@cad.uscourts.gov) by Friday, June 20.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## The Two-Way Mirror: Media Imaging in the 21st Century

**Course #:** 2612      **Term:** 2015SP      **Faculty:** Robinson, Stephanie      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** This 1-credit reading group examines mass media depictions and images in the modern era. It situates this loaded imaging process within an appropriate social and historical context while considering how the quest to maintain a normalized national identity competes with evolving notions of race, culture and gender. Such imaging will be discussed through literature, journalism and visual media.

Note: The reading group will meet on the following dates: February 4, February 18, March 4, March 25, April 8, and April 22.

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## Theories About Law

**Course #:** 2319      **Term:** 2014FA      **Faculty:** Sargentich, Lewis      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

PND100

**Course Description:** This course begins with a survey of positions in American legal thought, from the time of the Legal Realists to the contemporary period. Then the course looks at law from the standpoint of a number of larger theories, considering law in relation to social theory, literary understanding, moral psychology, and the critique of liberalism. The last two sessions ask how law might go forward on premises of critical jurisprudence.

Readings are selected as exemplary texts, displaying core theoretical positions. After the initial survey, each session restricts its focus to a close look at basic ideas of one or two major theorists. There will be one or two short papers in lieu of an examination.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Title IX: Sports, Sex, and Equality on Campus

**Course #:** 2242      **Term:** 2015SP      **Faculty:** Rosenfeld, Diane      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Title IX of the Civil Rights Act promises equal access to educational opportunities. This course considers the implications of that mandate for various dimensions of education, including athletic opportunities, sexual harassment, and campus sexual assault. The newly passed Campus Sexual Violence Elimination Act (part of the federal Violence Against Women Act of 2013) in conjunction with unprecedented student activism about civil rights on campus, contributes to a dynamic moment in Title IX jurisprudence. Students will have the opportunity to develop legal- policy initiatives to implement the new legislation, as well as to learn about representation of students involved in campus adjudications. Readings include cases, articles, and OCR decisions. There are no prerequisites for this course.

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## Tocqueville

**Course #:** 2243      **Term:** 2015SP      **Faculty:** Glendon, Mary Ann      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory; Legal History

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 7:10 PM - 9:10 PM

**Course Description:** The group will read Tocqueville's Democracy in America with special attention to the authors treatment of law and the legal profession. Participants will be required to submit a short paper on each weeks reading assignment. Enrollment is limited to 10 students.

Note: The reading group will meet in Prof. Glendon's office on the following dates: TBD.

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## Topics in Education Law and Policy

**Course #:** 2610      **Term:** 2015SP      **Faculty:** Brown-Nagin, Tomiko      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This seminar will consider selected topics pertaining to elementary, secondary, and higher education law and policy. Topics include schools and race; schools and gender; standardized testing; school choice; higher education admissions and student debt.

Final paper required.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Topics in Financial Regulation: Consumer and Investor Protection

**Course #:** 2711      **Term:** 2015SP      **Faculty:** Jackson, Howell      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

Mon 1:20 PM - 2:50 PM

Tue 1:20 PM - 2:50 PM

**Location**

**Course Description:** This course will explore current topics in financial regulation related to the protection of consumers and investors. Much of the course will focus on the work of the Consumer Financial Protection Bureau and the Securities and Exchange Commission, though we will also touch upon regulatory aspects of ERISA with respect to employee benefits and portions of the Affordable Care Act and other major federal entitlement programs. The course will complement coverage of the Regulation of Financial Institutions class offered in the Fall of 2014. There are no prerequisites.

Students enrolled in the course will be expected to undertake a modest research assignment during the semester in addition to a short take-home examination at the end of the term.

Note: This course will meet for a total of sixteen ninety-minute sessions. The course will meet on most Mondays and Tuesdays for the first eight to nine weeks of the semester, and will not meet the final weeks of the semester. A final schedule of classes will be posted before the semester begins.

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## Topics in Mergers and Acquisitions

**Course #:** 2493      **Term:** 2014FA      **Faculty:** Coates, John      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Seminar

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

WCC3009

**Course Description:** Research and writing seminar on advanced topics in M&A. Grade to be based on an original research paper on topic to be approved by professor. Fall semester will be spent reading and discussing existing research on a number of topics (hostile takeovers and defenses; short-termism and activist investors; risk-allocation and earn-outs; dispute management and arbitration; shareholder litigation and forum bylaws; deal structure and currency; post-merger integration; non-financial factors affecting pricing; etc.). Spring semester will be spent on student papers and presentations.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Topics in Mergers and Acquisitions

**Course #:** 2493      **Term:** 2015SP      **Faculty:** Coates, John      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Research and writing seminar on advanced topics in M&A. Grade to be based on an original research paper on topic to be approved by professor. Fall semester will be spent reading and discussing existing research on a number of topics (hostile takeovers and defenses; short-termism and activist investors; risk-allocation and earn-outs; dispute management and arbitration; shareholder litigation and forum bylaws; deal structure and currency; post-merger integration; non-financial factors affecting pricing; etc.). Spring semester will be spent on student papers and presentations.

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## Torts 1

**Course #:** 1005      **Term:** 2015SP      **Faculty:** Sargentich, Lewis      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:40 PM - 3:00 PM

Thu 1:40 PM - 3:00 PM

Fri 1:40 PM - 3:00 PM

**Course Description:** This course concerns the legal protection afforded in civil proceedings against interference by others with security of one's person, property or intangible interests. It is not directly concerned with the law of property and contract, which form the subject of other courses, but it explores relationships with these bodies of law. Three fundamental theories of liability emerge: intentional interference, negligence, and strict liability. The influence of these theories and of associated policies is studied in the context of recognized categories of tort liability, particularly assault, battery, interference with peace of mind, negligence, trespass, nuisance, product liability and also no-fault plans. Through these illustrations the course seeks to develop an understanding of the laws search for basic principles to govern the resolution of human conflicts, particularly disputes having to do with the harmful side-effects of productive activity. Professor Sargentich will use Keeton, Sargentich, and Keating, *Tort and Accident Law* (4th ed. 2004).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Torts 2

**Course #:** 1005      **Term:** 2014FA      **Faculty:** Goldberg, John      **Credits:** 4.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Mon 10:20 AM - 11:40 AM	WCC1019
Tue 10:20 AM - 11:40 AM	WCC1019
Wed 10:20 AM - 11:40 AM	WCC1019

**Course Description:** A tort is a wrong. To commit a tort is to violate a duty owed to another not to injure her, such that the other is granted a power to hold the wrongdoer accountable. Tort law determines what counts as a tort, what a plaintiff must prove to obtain recourse, the defenses by which a defendant can avoid liability, and the remedies available to successful plaintiffs. Examining negligence, medical malpractice, products liability, battery, assault, trespass, nuisance, and other torts, this course will explore tort law and larger theoretical questions that it raises.

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## Torts 3

**Course #:** 1005      **Term:** 2014FA      **Faculty:** Hershovitz, Scott      **Credits:** 4.00

**Type:** 1L Required  
Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Mon 3:20 PM - 4:40 PM	WCC1010
Tue 3:20 PM - 4:40 PM	WCC1010
Wed 3:20 PM - 4:40 PM	WCC1010

**Course Description:** A tort is a wrong. In a tort suit, the plaintiff alleges that the defendant wronged her, such that she is entitled to a remedy. Tort law determines what counts as a tort, what a plaintiff must prove to establish liability, the defenses by which a defendant can avoid liability, and the remedies available to successful plaintiffs. Through an examination of assault, battery, negligence, medical malpractice, products liability, and other torts, this course will explore the basic structure of tort law and larger theoretical questions that it raises.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Torts 4

**Course #:** 1005      **Term:** 2014FA      **Faculty:** Ben-Asher, Noa      **Credits:** 4.00

**Type:** 1L Required Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Wed 1:00 PM - 3:00 PM	PND102
Thu 1:00 PM - 3:00 PM	PND102

**Course Description:** This course concerns the law of personal injuries to physical and emotional well-being and to property. It is an introduction to the different bases of tort liability and the various functions of tort law. We will explore topics ranging from basic theories of liability, such as negligence and intentional torts, to the broader goals and justifications of the law of torts. We will also examine the relationship of tort law to other areas of law.

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## Torts 5

**Course #:** 1005      **Term:** 2014FA      **Faculty:** Lazarus, Richard      **Credits:** 4.00

**Type:** 1L Required Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Mon 1:00 PM - 3:00 PM	AUS101
Tue 1:00 PM - 3:00 PM	AUS101

**Course Description:** A tort is a wrong. To commit a tort is to violate a duty owed to another not to injure her, such that the other is granted a power to hold the wrongdoer accountable. Tort law determines what counts as a tort, what a plaintiff must prove to obtain recourse, the defenses by which a defendant can avoid liability, and the remedies available to successful plaintiffs. Examining negligence, medical malpractice, battery, assault, trespass, and other torts, this course will explore tort law and larger theoretical questions that it raises.

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## Torts 6

**Course #:** 1005      **Term:** 2014FA      **Faculty:** Hanson, Jon      **Credits:** 4.00

**Type:** 1L Required Course  
**Subject Areas:** Not Applicable

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Wed 1:10 PM - 2:30 PM	WCC1023
Thu 1:10 PM - 2:30 PM	WCC1023
Fri 1:10 PM - 2:30 PM	WCC1023

**Course Description:** This course will review the doctrines and history of tort law, various positive and normative theories of tort law, the psychological, social, economic, and political forces and dynamics influencing tort law and tort reform, and the interconnections of tort law to other areas of law.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Torts 7

**Course #:** 1005      **Term:** 2014FA      **Faculty:** Geistfeld, Mark      **Credits:** 4.00

**Type:** 1L Required Course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

### Location

WCC1019

WCC1019

**Course Description:** This course concerns the legal protection afforded in civil proceedings against interference by others with security of one's person, property or intangible interests. It is not directly concerned with the law of property and contract, which form the subject of other courses, but it explores relationships with these bodies of law. Three fundamental theories of liability emerge: intentional interference, negligence, and strict liability. The influence of these theories and of associated policies is studied in the context of recognized categories of tort liability, particularly negligence, strict liability for abnormally dangerous activities, strict products liability, assault, battery, interference with peace of mind, trespass, and nuisance. Through these illustrations the course seeks to develop an understanding of the law's search for basic principles to govern the resolution of human conflicts, particularly those involving one's exercise of liberty that threatens another's physical security.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Transactional Law Clinical Workshop

**Course #:** 2247      **Term:** 2014FA      **Faculty:** Price, Brian      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCCB015

**Course Description:**

Required Clinic Component: Transactional Law Clinics (3-4 fall credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: September 3, 2014.

LLM Students: LLM students are eligible to enroll in this clinic through Helios.

This course is the classroom component of the clinical practice for students enrolled in one of the Transactional Practice Clinics (TLC). Students in the Workshop will choose to concentrate their clinical practice in one or more of the four TLC clinics: Business and Non-Profit, Real Estate, Recording Artist Project (entertainment), Community Enterprise Project (CEP). In the classroom and the clinical work, students will have the opportunity to explore and directly experience the various roles performed by transactional lawyers in providing legal services to small businesses, non-profit organizations, real estate parties, community development corporations, or individuals and companies in the arts and entertainment industry. Students will develop legal skills utilized by transactional lawyers and will gain the perspective of transactional practice in the context of actual client representation. Depending upon their clinical concentration and clients needs, students typically will have opportunities to engage in entity formation; contract negotiation and drafting; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate transactions and development; affordable housing development; zoning; condominium development; or other transactional legal work. Students will be exposed to the various challenges faced by clients engaged in transactional activities and to the laws, policies and institutions impacting their ability to succeed. In addition, the course will engage students in critical reflection about the ethical, strategic and policy dimensions of their clinical work; as well as invite reflection about their own professional development. In the classroom component of the course, every student will participate in "rounds" sessions, by presenting a challenging case for class discussion and by critiquing and analyzing the presentations of fellow students.

A clinical practice component is required of all students. Clinical placements are with the Transactional Practice Clinics ([www.harvardtlc.org](http://www.harvardtlc.org)).

Enrollment is through clinical registration. Please refer to the Office of Clinical and Pro Bono Programs website (<http://www.law.harvard.edu/academics/clinical>) for clinical registration dates, early add/drop deadlines, and other information about the clinical.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Transactional Law Clinical Workshop

**Course #:** 2247      **Term:** 2015SP      **Faculty:** Price, Brian      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:**

Required Clinic Component: Transactional Law Clinics (3-4 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: January 16, 2015.

LLM Students: LLM students are eligible to enroll in this clinic through Helios.

This course is the classroom component of the clinical practice for students enrolled in one of the Transactional Practice Clinics (TLC). Students in the Workshop will choose to concentrate their clinical practice in one or more of the four TLC clinics: Business and Non-Profit, Real Estate, Recording Artist Project (entertainment), Community Enterprise Project (CEP). In the classroom and the clinical work, students will have the opportunity to explore and directly experience the various roles performed by transactional lawyers in providing legal services to small businesses, non-profit organizations, real estate parties, community development corporations, or individuals and companies in the arts and entertainment industry. Students will develop legal skills utilized by transactional lawyers and will gain the perspective of transactional practice in the context of actual client representation. Depending upon their clinical concentration and clients needs, students typically will have opportunities to engage in entity formation; contract negotiation and drafting; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate transactions and development; affordable housing development; zoning; condominium development; or other transactional legal work. Students will be exposed to the various challenges faced by clients engaged in transactional activities and to the laws, policies and institutions impacting their ability to succeed. In addition, the course will engage students in critical reflection about the ethical, strategic and policy dimensions of their clinical work; as well as invite reflection about their own professional development. In the classroom component of the course, every student will participate in "rounds" sessions, by presenting a challenging case for class discussion and by critiquing and analyzing the presentations of fellow students.

A clinical practice component is required of all students. Clinical placements are with the Transactional Practice Clinics ([www.harvardtlc.org](http://www.harvardtlc.org)).

Enrollment is through clinical registration. Please refer to the Office of Clinical and Pro Bono Programs website (<http://www.law.harvard.edu/academics/clinical>) for clinical registration dates, early add/drop deadlines, and other information about the clinical.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Transactional Law Clinics

**Course #:** 8031      **Term:** 2014FA      **Faculty:** Price, Brian      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Transactional Law Clinical Workshop (2 fall credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No, unless students are interested in the Community Enterprise Project (a component of the Transactional Law Clinic that requires an application). Please see the description below for more information.

Add/Drop Deadline: September 3, 2014.

LLM Students: LLM students are eligible to enroll in this clinic through Helios.

Placement Site: HLS.

Students enrolled in the Transactional Law Clinics will engage in actual legal practice with real clients involved in transactional matters. Students practice under the supervision and mentoring of an experienced practitioner in one or more of the four TLC clinics: Business and Non-Profit, Real Estate, Entertainment Law (Recording Artists Project), Community Enterprise Project (CEP) (please note that students interested in the CEP will need to submit an application instead of enrolling through Helios). TLC clients include entrepreneurs, small businesses, non-profit organizations, real estate parties, community development corporations, and individuals and companies in the art and entertainment industry. Students will have direct hands-on responsibility for handling their cases and will gain experience in various aspects of transactional practice. Depending upon their clinical concentration and client needs, students typically have opportunities to engage in entity formation; start-up financing; contract negotiation and drafting; applications for tax-exemption; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate transactions and development; affordable housing development; zoning; condominium development; and other transactional legal work. TLC students typically experience professional growth in areas such as strategic judgment, transactional thinking ability, communication skills, client management, document drafting and review, ethical awareness, and practice-oriented research and writing. The Community Enterprise Project is a by-application portion of the Transactional Law Clinics. To apply, please submit a statement of interest (no more than 200 words), resume, and academic transcript (unofficial or official). In your cover email, please indicate whether you have a preference for taking CEP in Fall or Spring semester. Applications should be addressed to Brian Price and Amanda Kool and submitted via e-mail to [akool@law.harvard.edu](mailto:akool@law.harvard.edu) and [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu). Interested students are encouraged to apply as soon as possible, and all applications must be submitted by Thursday, April 3rd. Students will be notified of decisions on Monday, April 7th. CEP engages in community economic development work by connecting with community organizations, identifying organizational and community legal needs, and developing comprehensive strategies to address those needs while gaining valuable real-world transactional law experience. At least half of the clinical hours of CEP students must be spent at the Harvard Legal Services Center in Jamaica Plain.)

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Transactional Law Clinics

**Course #:** 8031      **Term:** 2015SP      **Faculty:** Price, Brian      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Transactional Law Clinical Workshop (2 spring credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No, unless students are interested in the Community Enterprise Project (a component of the Transactional Law Clinic that requires an application). Please see the description below for more information.

Add/Drop Deadline: January 16, 2015.

LLM Students: LLM students are eligible to enroll in this clinic through Helios.

Placement Site: HLS.

Students enrolled in the Transactional Law Clinics will engage in actual legal practice with real clients involved in transactional matters. Students practice under the supervision and mentoring of an experienced practitioner in one or more of the four TLC clinics: Business and Non-Profit, Real Estate, Entertainment Law (Recording Artists Project), Community Enterprise Project (CEP) (please note that students interested in the CEP will need to submit an application instead of enrolling through Helios). TLC clients include entrepreneurs, small businesses, non-profit organizations, real estate parties, community development corporations, and individuals and companies in the art and entertainment industry. Students will have direct hands-on responsibility for handling their cases and will gain experience in various aspects of transactional practice. Depending upon their clinical concentration and client needs, students typically have opportunities to engage in entity formation; start-up financing; contract negotiation and drafting; applications for tax-exemption; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate transactions and development; affordable housing development; zoning; condominium development; and other transactional legal work. TLC students typically experience professional growth in areas such as strategic judgment, transactional thinking ability, communication skills, client management, document drafting and review, ethical awareness, and practice-oriented research and writing. The Community Enterprise Project is a by-application portion of the Transactional Law Clinics. To apply, please submit a statement of interest (no more than 200 words), resume, and academic transcript (unofficial or official). In your cover email, please indicate whether you have a preference for taking CEP in Fall or Spring semester. Applications should be addressed to Brian Price and Amanda Kool and submitted via e-mail to [akool@law.harvard.edu](mailto:akool@law.harvard.edu) and [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu). Interested students are encouraged to apply as soon as possible, and all applications must be submitted by Thursday, April 3rd. Students will be notified of decisions on Monday, April 7th. CEP engages in community economic development work by connecting with community organizations, identifying organizational and community legal needs, and developing comprehensive strategies to address those needs while gaining valuable real-world transactional law experience. At least half of the clinical hours of CEP students must be spent at the Harvard Legal Services Center in Jamaica Plain.)

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Transnational Corruption

**Course #:** 2719      **Term:** 2014FA      **Faculty:** Butuyan, El Cid      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

Thu 3:00 PM - 5:00 PM

**Location**

WCC3008

**Course Description:** This course will explore the emergence of the global anti-corruption movement and will provide students with: a brief overview of the trends in the burgeoning field of anti-corruption enforcement including various global norms on the subject; the work of select regulatory and enforcement authorities and international and multilateral institutions; and the day-to-day lawyering skills required of practitioners. Through readings, lectures, case studies, class discussions, and potential guest speakers, the course aims to introduce students to significant substantive and practical issues in international anti-corruption work and the fundamentals required for a future career in this exciting field.

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## Trauma, Refugees and Asylum Law

**Course #:** 2576      **Term:** 2014FA      **Faculty:** Ardalan, Sabrineh      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

Tue 5:00 PM - 7:00 PM

**Location**

WCC3013

**Course Description:** Refugees are the quintessential trauma survivors. Trauma affects refugees; memory, emotions, and demeanor. Refugees who have experienced trauma often dissociate themselves from their past, exhibit patterns of forgetfulness and avoidance, and experience a distorted and fragmented sense of time. Representation of refugees requires lawyers to surmount cross-cultural barriers to elicit information about the harm suffered, and to narrate the refugees story persuasively and effectively in order to present a coherent legal case. Close collaboration with psychologists and medical doctors is often critical both to treat refugees and to substantiate their claims, which necessarily involves explaining the effects of trauma to adjudicators and corroborating the fact that the persecution occurred.

This collaboration raises provocative and important issues for lawyers who, alongside clinicians and doctors, have expertise in their own fields, but view their mandate through different optics. Expert evaluations are more and more frequently submitted in asylum cases; yet, without consultation with a refugees attorney, evaluations may be inconsistent with the facts or theory of the applicants case, thereby undermining the applicants case.

This seminar will address the intersection of refugee law, trauma, and psychology, drawing on literature from both law and psychology, as well as on immigrant and refugee narratives as told through various genres and media. Medical doctors and psychologists from Harvard Medical School, Physicians for Human Rights, and Boston Center for Refugee Health and Human Rights will be invited to join the group.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Trial Advocacy Workshop

**Course #:** 2249      **Term:** 2014FA      **Faculty:** Ogletree, Charles      **Credits:** 3.00

**Type:** Multi-section Course  
**Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

**Course Description:** Monday, September 8 - Friday, September 26, 2014

Early drop deadline of September 2, 2014

Please note: There will be a mandatory meeting on Wednesday, April 16, 2014, in Ames Courtroom (2nd Floor, Austin Hall) at 12:00pm for all students enrolled in the Fall 2014 Trial Advocacy Workshop.

The Fall Trial Advocacy Workshop (TAW) is an intensive course in trial analysis, skills, and techniques taught complete in three weeks. More detailed descriptions of the organization and content of the Workshop program appear below. The Workshop is a required component of ITA: Prosecution Perspectives, and Criminal Justice Institute: Defense Theory and Practice. The course is graded Credit/Fail. Any questions pertaining to the Workshop should be directed to Professor Charles J. Ogletree and the TAW Coordinator, Amy E. Soto: [asoto@law.harvard.edu](mailto:asoto@law.harvard.edu).

Course days and hours: Monday through Friday, 2:00 p.m. to 9:00 p.m. Students are allowed four hours (maximum) of class conflicts per week. Students must be available for trials from 2:00 p.m. to 9:00 p.m. on 9/18, 9/19, 9/25, and 9/26. If you have concerns regarding the conflicts policy and your schedule, please contact Professor Ogletree and the TAW Coordinator, Amy E. Soto: [asoto@law.harvard.edu](mailto:asoto@law.harvard.edu).

The Fall Trial Advocacy Workshop will take place beginning Monday, September 8, 2014 to Friday, September 26, 2014. The course focuses on the task of the trial lawyer to create in the consciousness of the fact-finders the precise fact picture, which reflects the lawyer's version of the case. The Workshop includes simulated exercises on all aspects of in-court trial practice including opening statements, development of witness testimony on direct and cross examination, use of illustrative aids and exhibits in evidence, impeachment, expert testimony and summations. An important feature of the Workshop is the on-the-spot evaluation and critique by experienced trial lawyers and judges who teach as volunteers during the Workshop. Student performances are also video-recorded and individually critiqued.

The Fall Trial Advocacy Workshop requires intensive study, preparation, and activity. The program is structured as follows:

For the first week of the Workshop, students will meet in classroom sessions (large groups and small groups) for simulated trial advocacy exercises from 2:00 p.m. to 6:00 p.m. daily. Each student will be expected to perform each of the assigned exercises each day. These sessions will involve short role-playing assignments for students in various aspects of trial advocacy, evaluations of performances, and occasional demonstrations by members of the teaching team.

Students will have opportunities, individually or in groups, for detailed review or critique of video-recordings of their own and each other's performances. One or more members of the teaching team will be available at scheduled hours to participate in this review.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

**2014-2015 Academic Year**

Following each day's classroom exercises, the students are invited to supper with the faculty, which consists of experienced judges and lawyers, and are required to attend an evening lecture-demonstration from 7:00 p.m. to 9:00 p.m. each evening.

Students will participate in two full trials as members of a team of students trying the case. Trial time will include two to four hours of pretrial conferences and five to eight hours of trial performance and critique for each trial. Students will also be expected to serve as witnesses in two additional trials.

Texts: Mauet, Trial Techniques (required), plus multilithed materials and case files.  
Murray, Basic Trial Advocacy (optional)

Prerequisite(s): For upper-level JDs and LLM students there are not any prerequisites; although familiarity with the rules of evidence is assumed throughout the course.

This course has an early drop deadline of September 2, 2014.

Note: For upper-level JD students, this course will be included in the Multi-Section round of registration.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Trial Advocacy Workshop

**Course #:** 2249      **Term:** 2015WI      **Faculty:** Sullivan, Ronald      **Credits:** 3.00

**Type:** Multi-section Course  
**Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

**Course Description:** Monday, January 5-Friday, January 23, 2015

Early drop deadline of September 5, 2014.

Please note: There will be a mandatory meeting in November 2014 (date and time TBD) for all students enrolled in the Winter 2015 Trial Advocacy Workshop.

Please note: It is highly recommended that students complete a course in Evidence prior to taking this course. Familiarity with the rules of evidence is assumed throughout the course. The Winter Trial Advocacy Workshop is an intensive course in trial analysis, skills, and techniques taught complete in three weeks. More detailed descriptions of the organization and content of the Workshop programs appear below. The course is graded Credit/Fail. Any questions pertaining to the Workshop should be direct to the TAW Coordinator, Amy E. Soto: asoto@law.harvard.edu.

Course days and hours are: Monday through Friday, 2:00 p.m. to 9:00 p.m. (Class will not be held on Monday, January 19, 2015, due to the Martin Luther King, Jr. Holiday).

The Winter Trial Advocacy Workshop will take place beginning Monday, January 5, 2015 to Friday, January 23, 2015. The course focuses on the task of the trial lawyer to create in the consciousness of the fact-finders the precise fact picture, which reflects the lawyers version of the case. The workshop includes simulated exercises on all aspects of in-court trial practice including opening statements, development of witness testimony on direct and cross examination, use of illustrative aids and exhibits in evidence, impeachment, expert testimony and summations. An important feature of the workshop is the on-the-spot evaluation and critique by experienced trial lawyers and judges who teach as volunteers during the workshop. Student performances are also video-recorded and individually critiqued. Each student will take part in two full simulated trials, which are systematically critiqued by trial advisors and judges.

The Winter Trial Advocacy Workshop requires intensive study, preparation, and activity. The program is structured as follows:

1. For the first week of the workshop, students will meet in classroom sessions (large groups of twenty-four and small groups of eight) for simulated trial advocacy exercises from 2:00 p.m. to 6:00 p.m. daily. Each student will be expected to perform each of the assigned exercises each day. These sessions will involve short role-playing assignments for students in various aspects of trial advocacy, evaluations of performances, and occasional demonstrations by members of the teaching team.
2. Students will have opportunities, individually or in groups, for detailed review or critique of video-recordings of their own and each other's performances. One or more members of the teaching team will be available at scheduled hours to participate in this review.
3. Following each day's classroom exercises, the students are invited to supper with the faculty, which consists of experienced volunteer judges and lawyers, and are expected to attend an evening lecture-demonstration from 7:00 p.m. to 9:00 p.m. each evening.
4. A similar schedule is followed for the first two days of the second week of the workshop.

# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

## 2014-2015 Academic Year

Wednesday of the second week is a trial preparation day. Simulated non-jury trials take place on the last two days of the week. Each student participates in one non-jury trial as a lawyer and in one as a witness.

5. The first two days of the third week of the workshop follow the same classroom schedule as the first week. On Thursday and Friday of the third week of the workshop, participants conduct simulated jury trials in state and federal courthouses.

Text: Murray, Basic Trial Advocacy, plus multilithed materials and case files.

Prerequisite(s): For upper-level JD students there are not any prerequisites; although familiarity with the rules of evidence is assumed throughout the course. For LLM students, faculty permission is required.

Note: This course has an early drop deadline of September 5, 2014. The course may not be dropped after September 5, 2014, without the written permission of the instructor.

Note: Registration for the Winter Trial Advocacy Workshop will occur during Multi-Section Course Registration.

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### Trusts and Estates

**Course #:** 2250      **Term:** 2014FA      **Faculty:** Sitkoff, Robert      **Credits:** 4.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Family, Gender & Children's Law; Regulatory Law; Taxation

**Delivery Mode:** Course

<b>Days and Times:</b>	<b>Location</b>
Mon 8:10 AM - 10:10 AM	AUS101
Tue 8:10 AM - 10:10 AM	AUS101

**Course Description:** This course involves the study of: (a) intestate succession; (b) wills (including execution, revocation, interpretation, and contests); (c) will substitutes (i.e., nonprobate transfers) and planning for incapacity; and (d) trusts (including creation, fiduciary administration, modification, termination, spendthrift and other asset protection trusts, and charitable trusts).

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Trusts and Estates

**Course #:** 2250      **Term:** 2015WI      **Faculty:** Wilkinson-Ryan, Tess      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Family, Gender & Children's Law; Regulatory Law; Taxation

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 1:00 PM - 4:15 PM

Tue 1:00 PM - 4:15 PM

Wed 1:00 PM - 4:15 PM

Thu 1:00 PM - 4:15 PM

Fri 1:00 PM - 4:15 PM

**Course Description:** This course is a general survey of the law relating to family wealth transmission, both during life and at death. The course will study transfers within the probate system--wills and intestate succession--and transfers outside it, with special attention to trusts. We will examine the substantive law as well as the policy issues and history on which substantive law is based. For example: What are the broader social and economic effects of the laws of succession? How do they motivate, constrain, or facilitate financial planning? What implicit assumptions about ordinary citizens preferences and beliefs are reflected in the legal rules? Grades for this three-credit course will be based on an essay examination.

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## U.S. Aspects of International Income Taxation

**Course #:** 2236      **Term:** 2015SP      **Faculty:** Shay, Stephen      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Taxation

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

**Course Description:** This course examines U.S. income tax laws and policies relating to the taxation of foreign income of U.S. persons and U.S. income of foreign persons. Emphasis will be on fundamental issues, such as jurisdiction to tax, source of income, U.S. taxation of foreign persons, the credit for foreign taxes paid by U.S. persons, U.S. taxation of foreign income earned by foreign entities owned by U.S. persons, pricing transactions between related parties, and income tax treaties.  
Prerequisite: This course is open only to students who have completed the basic course in Taxation.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Understanding Korean Law

**Course #:** 2703

**Term:** 2015WI

**Faculty:** Jong, Sang Jo; Rhee, Woo-Young

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 10:00 AM - 12:00 PM

Tue 10:00 AM - 12:00 PM

Wed 10:00 AM - 12:00 PM

Thu 10:00 AM - 12:00 PM

Fri 10:00 AM - 12:00 PM

### Course Description:

This course is designed to provide an understanding of the basic institutions and processes of the Korean legal system. The course will proceed along the following methodology, themes and topics. Methodologically, we will engage in a comparative analysis of civil and common law systems designed to help students communicate effectively with civil law trained scholars in Korea and elsewhere. Thematically, we will cover the historical, social and economic factors that influence law, business and government. As to topics, we will consider a range of public and private law issues, with particular attention to the constitution and to anti-trust. The course has no prerequisite.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Understanding Law Firms as Businesses

**Course #:** 2691      **Term:** 2014FA      **Faculty:** Gardner, Heidi      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

### Days and Times:

Mon 1:00 PM - 2:30 PM

Tue 1:00 PM - 2:30 PM

### Location

WCC2004

WCC2004

**Course Description:** This course aims to help law students understand the fundamental strategic, operational and human components of contemporary law firms so that they are better equipped to handle the demands of a rapidly changing legal marketplace. The class sessions include interactive lectures, business-school case discussions, and hands-on exercises designed to provide students with practical skills they can use throughout their careers.

This course contains four modules. The first covers firm strategy and client relationship management, exploring business development challenges from the perspective of aspiring rainmakers, firm leaders and clients. Topics include globalization, strategic positioning, and the rise of alternative models of legal service delivery. The second module focuses on talent management and human capital, including how law firms attract, hire, motivate, and promote professionals. We examine how firms tackle these challenges for both entry-level and more senior lawyers, and explore how these processes affect lawyers' experiences including career progression, diversity, and work-life balance. The third module centers on collaboration and teamwork. Students gain hands-on experience leading and working in teams, and we explore the issues specifically in the context of practicing law. The final module focuses on succeeding and thriving as a professional, including strategies for career success and building personal brands.

This course is especially well-suited for students who have some experience working in an organization (law firm or other), although that is not strictly essential. It is also appropriate for students in the JD-MBA program who can expand on concepts.

Requirements include several team-based exercises, a research-based written assignment, and a final exam.

Note: In lieu of a casebook, students will be expected to pay a materials fee to HBS to cover the standard cost of cases we will read for the class.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Valuing and Modeling M&A and LBOs

**Course #:** 2678      **Term:** 2015SP      **Faculty:** Bosiljevac, Vladimir      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

### Days and Times:

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

### Location

**Course Description:** The goal of this Banker Bootcamp is to provide students with the investment banking toolkit for assessing and modeling M&A and leveraged (LBO) transaction that is used in Wall Street investment banks.

Students will thoroughly cover accounting and valuation methods and learn how to model mergers and LBOs in Excel as investment bankers do. They will learn about the strategic reasons and tactics for mergers and acquisitions, LBOs, corporate divestiture, restructurings, hostile takeovers. Case studies of mergers, acquisitions and LBOs drawn from a variety of different industries throughout the world will be examined.

The class workload and assignments will be challenging, requiring students to apply learned concepts, tools and techniques to current real-life problem sets. Active participation is required.

There is no final exam. Instead, there will be a final take-home project requiring students to build an advanced merger model and a pitchbook (40-50 hours workload) as one would do in an investment bank. Course materials will include textbooks, HBS cases, and modeling video tutorials.

No prior experience in finance is required. On contrary, the ideal student is highly motivated with no practical investment banking experience. Students who have worked in investment banking or private equity (either as analysts prior to law school or as summer interns) should not take this course.

Prerequisite: Admission to the class will be by instructor's permission only - prospective students should submit their resume and one-paragraph cover letter outlining the reasons why they wish to take the class to [bosiljev@fas.harvard.edu](mailto:bosiljev@fas.harvard.edu). The deadline for application is October 31.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Venture Law and Finance

**Course #:** 2252      **Term:** 2015WI      **Faculty:** Fried, Jesse      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

### Days and Times:

Mon 9:00 AM - 12:15 PM

Tue 9:00 AM - 12:15 PM

Wed 9:00 AM - 12:15 PM

Thu 9:00 AM - 12:15 PM

Fri 9:00 AM - 12:15 PM

### Location

**Course Description:** This course introduces students to U.S. venture capital (VC) contracting, focusing on the cash flow and control rights of investors. It also examines the legal framework in which such contracting takes place.

Reading materials include VC financing documents, relevant California and Delaware caselaw, and academic and practitioner articles.

Prerequisite: This course is open to students who have taken or are concurrently taking Corporations, or by permission of the instructor to waive the requisite. Students should be willing to think mathematically and solve algebraic problems

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Veterans Law and Disability Benefits Clinic

**Course #:** 8039      **Term:** 2014FA      **Faculty:** Nagin, Daniel      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Health Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Required Class Component: Veterans Law and Disability Benefits Clinical Seminar (2 fall credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: Due to Massachusetts court practice rules, LLM students are not eligible to apply.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
Students in the Clinic work to protect the rights of veterans and their families and persons with disabilities. Students can select among (1) representing veterans in administrative and court appeals to challenge wrongful denials of federal and state veterans benefits; (2) representing veterans and their families in estate and financial planning matters such as wills, trusts, advanced directives, guardianships, and conservatorships; or (3) representing clients in administrative and court appeals to challenge wrongful denials of Social Security disability benefits. The Clinic's practice includes administrative, disability, mental health, probate, and constitutional law. Students gain in-depth experience with: client and witness interviewing; working with medical evidence and experts; drafting pleadings, motions, and briefs; drafting legal instruments; examining and cross-examining witnesses at hearings; judicial review of agency decisions; presenting oral argument, engaging in negotiation; and solving ethical dilemmas. Overall, the Clinic focuses its advocacy efforts on using the law to promote financial stability, access to healthcare, and dignity for veterans and their families and persons with disabilities.  
For more information about the Clinic, please visit: Veterans Law and Disability Benefits Clinic. This Clinic is part of the WilmerHale Legal Services Center (LSC), a general practice community law office in Jamaica Plain. LSCs diverse clinics provide clinical instruction to second- and third-year law students and serve as a laboratory for the innovative delivery of legal services.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Veterans Law and Disability Benefits Clinic

**Course #:** 8039      **Term:** 2015SP      **Faculty:** Nagin, Daniel      **Credits:** 4.00

**Type:** HLS Clinic      **Subject Areas:** Health Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Veterans Law and Disability Benefits Clinical Seminar (2 spring credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: Due to Massachusetts court practice rules, LLM students are not eligible to apply.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
Students in the Clinic work to protect the rights of veterans and their families and persons with disabilities. Students can select among (1) representing veterans in administrative and court appeals to challenge wrongful denials of federal and state veterans benefits; (2) representing veterans and their families in estate and financial planning matters such as wills, trusts, advanced directives, guardianships, and conservatorships; or (3) representing clients in administrative and court appeals to challenge wrongful denials of Social Security disability benefits. The Clinic's practice includes administrative, disability, mental health, probate, and constitutional law. Students gain in-depth experience with: client and witness interviewing; working with medical evidence and experts; drafting pleadings, motions, and briefs; drafting legal instruments; examining and cross-examining witnesses at hearings; judicial review of agency decisions; presenting oral argument, engaging in negotiation; and solving ethical dilemmas. Overall, the Clinic focuses its advocacy efforts on using the law to promote financial stability, access to healthcare, and dignity for veterans and their families and persons with disabilities.  
For more information about the Clinic, please visit: Veterans Law and Disability Benefits Clinic. This Clinic is part of the WilmerHale Legal Services Center (LSC), a general practice community law office in Jamaica Plain. LSCs diverse clinics provide clinical instruction to second- and third-year law students and serve as a laboratory for the innovative delivery of legal services.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Veterans Law and Disability Benefits Clinic

**Course #:** 8039      **Term:** 2015WI      **Faculty:** Nagin, Daniel      **Credits:** 2.00

**Type:** HLS Clinic      **Subject Areas:** Health Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Required Class Component: Veterans Law and Disability Benefits Clinical Seminar (2 fall credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: September 3, 2014.  
LLM Students: Due to Massachusetts court practice rules, LLM students are not eligible to apply.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
Students in the Clinic work to protect the rights of veterans and their families and persons with disabilities. Students can select among (1) representing veterans in administrative and court appeals to challenge wrongful denials of federal and state veterans benefits; (2) representing veterans and their families in estate and financial planning matters such as wills, trusts, advanced directives, guardianships, and conservatorships; or (3) representing clients in administrative and court appeals to challenge wrongful denials of Social Security disability benefits. The Clinic's practice includes administrative, disability, mental health, probate, and constitutional law. Students gain in-depth experience with: client and witness interviewing; working with medical evidence and experts; drafting pleadings, motions, and briefs; drafting legal instruments; examining and cross-examining witnesses at hearings; judicial review of agency decisions; presenting oral argument, engaging in negotiation; and solving ethical dilemmas. Overall, the Clinic focuses its advocacy efforts on using the law to promote financial stability, access to healthcare, and dignity for veterans and their families and persons with disabilities.  
For more information about the Clinic, please visit: Veterans Law and Disability Benefits Clinic. This Clinic is part of the WilmerHale Legal Services Center (LSC), a general practice community law office in Jamaica Plain. LSCs diverse clinics provide clinical instruction to second- and third-year law students and serve as a laboratory for the innovative delivery of legal services.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Veterans Law and Disability Benefits Clinical Seminar

**Course #:** 2520      **Term:** 2014FA      **Faculty:** Nagin, Daniel      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

Mon 5:00 PM - 7:00 PM

**Location**

WCC3034

**Course Description:**

Required Clinic Component: Veterans Law and Disability Benefits Clinic, either during fall (2-4 fall credits) or winter (2 winter credits). Students must enroll in one of these two clinic offerings (fall or winter) before they are permitted to enroll in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: September 3, 2014.

LLM Students: LLM students may apply to the fall clinic option by submitting an application. LLM students are not eligible to enroll in the winter clinic option.

This seminar is the companion course for students enrolled in the Veterans Law and Disability Benefits Clinic of the WilmerHale Legal Services Center.

Students in the Clinic: (1) represent veterans in federal and state administrative and court appeals to challenge wrongful denials of veterans benefits and in military discharge upgrade cases; (2) represent veterans and their families in estate and financial planning matters such as wills, trusts, advanced directives, guardianships, and conservatorships; or (3) represent clients, some of whom are veterans and others of whom are non-veterans, in federal administrative and court appeals to challenge wrongful denials of Social Security disability benefits. The seminar provides students with a practical toolkit (including skills related to client and witness interviewing; fact investigation; working with experts; drafting pleadings, motions, and briefs; drafting legal instruments; examining and cross-examining witnesses at hearings; appellate advocacy; presenting oral argument; engaging in negotiation; and solving ethical dilemmas) for representing veterans, their families, and individuals with disabilities. Because of the complex array of legal issues veterans and persons with disabilities face, the substantive law covered in the seminar includes elements of administrative, mental health, probate, and constitutional law, among other relevant topics. The seminar will also provide students an opportunity to consider larger questions about the laws and policies affecting veterans and persons with disabilities and about the design of social welfare programs more generally. For more information about the Clinic's docket and student learning opportunities, please visit:

<http://www.law.harvard.edu/academics/clinical/lsc/clinics/veteranslegal.htm>.

There is no final examination or final paper for this course. Concurrent enrollment in the Veterans Law and Disability Benefits Clinic is required. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Veterans Law and Disability Benefits Clinical Seminar

**Course #:** 2520      **Term:** 2015SP      **Faculty:** Nagin, Daniel      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Required Clinic Component: Veterans Law and Disability Benefits Clinic (2 spring credits). This clinic and course are bundled - your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: January 16, 2015.  
LLM Students: LLM students may apply to the clinic option by submitting an application.  
This seminar is the companion course for students enrolled in the Veterans Law and Disability Benefits Clinic of the WilmerHale Legal Services Center.  
Students in the Clinic: (1) represent veterans in federal and state administrative and court appeals to challenge wrongful denials of veterans benefits and in military discharge upgrade cases; (2) represent veterans and their families in estate and financial planning matters such as wills, trusts, advanced directives, guardianships, and conservatorships; or (3) represent clients, some of whom are veterans and others of whom are non-veterans, in federal administrative and court appeals to challenge wrongful denials of Social Security disability benefits. The seminar provides students with a practical toolkit (including skills related to client and witness interviewing; fact investigation; working with experts; drafting pleadings, motions, and briefs; drafting legal instruments; examining and cross-examining witnesses at hearings; appellate advocacy; presenting oral argument; engaging in negotiation; and solving ethical dilemmas) for representing veterans, their families, and individuals with disabilities. Because of the complex array of legal issues veterans and persons with disabilities face, the substantive law covered in the seminar includes elements of administrative, mental health, probate, and constitutional law, among other relevant topics. The seminar will also provide students an opportunity to consider larger questions about the laws and policies affecting veterans and persons with disabilities and about the design of social welfare programs more generally. For more information about the Clinic's docket and student learning opportunities, please visit:  
<http://www.law.harvard.edu/academics/clinical/lsc/clinics/veteranslegal.htm>.  
There is no final examination or final paper for this course. Concurrent enrollment in the Veterans Law and Disability Benefits Clinic is required. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Visual Justice: Media Literacy

**Course #:** 2407      **Term:** 2015SP      **Faculty:** Cohen, Rebecca Richman      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Wed 5:00 PM - 8:00 PM

**Course Description:** The 21st Century has been declared the age of communications. As the cost of production technologies (e.g. computers and video cameras) falls, the barriers to entry have diminished in the fields of journalism, film production, and even human rights advocacy. As activists now have in their phone and their laptop the physical tools necessary to engage in filmmaking, journalism, and rights monitoring. The question arises: do they also have the necessary corollary tools such as storytelling abilities and professional ethics? Together we will embark on a media literacy project to navigate the visual media landscape that is in a state of constant evolution. As the lines blur between activist, journalists, amateur, and professional, we will consider the limitations and possibilities of using visual media to tell stories that shape social justice campaigns.

Note: The reading group will meet on the following dates: TBD.

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## Visual Justice: Documentary Film and Human Rights

**Course #:** 2407      **Term:** 2014FA      **Faculty:** Cohen, Rebecca Richman      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Wed 5:00 PM - 8:00 PM

WCC4063

**Course Description:** This course will examine how visual stories affect the practice of human rights advocacy. With weekly documentary film screenings, we will examine the interconnectedness of advocacy and visual representations. Considering that documentaries make a claim to represent "the real," is there a commensurate way to visually represent human capacities for suffering and violence? What are the challenges that activists and filmmakers face when they are representing experiences and perspectives different than their own? How have visual representations of mass atrocities simultaneously informed and reformed the meanings we ascribe to such events?

Note: The reading group will meet on the following dates: Sept 10, 17, 24, Oct 1, 8, 15, 22.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## White Collar Criminal Law and Procedure

**Course #:** 2254      **Term:** 2014FA      **Faculty:** Savarese, John      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Criminal Law & Procedure

**Delivery Mode:** Course

**Days and Times:**

Wed 5:00 PM - 7:00 PM

**Location**

AUS101

**Course Description:** The past several years have witnessed an explosion in white collar criminal prosecutions. Evidence of this heightened level of enforcement is not hard to find: massively larger fines and monetary penalties, dramatically longer prison sentences for individuals, substantial increases in government staffing and enforcement budgets, and the unprecedented use of aggressive investigative techniques previously reserved for organized crime investigations. The breadth of recent enforcement cases is also remarkable: financial fraud and misconduct related to the financial crisis and mortgage meltdown, violations of the Foreign Corrupt Practices Act, Ponzi schemes, and insider trading, to name a few. And investigations that were once limited to the United States now frequently involve regulators and prosecutors across the globe.

This course will examine those developments and will focus on (1) case studies in corporate criminal law enforcement, including how federal law, emerging prosecutorial practices, and corporate cooperation guide and shape the resolution of white collar investigations; (2) evolving government expectations about the role of corporations and corporate counsel; (3) ethical and legal dilemmas in conducting a corporate investigation; (4) the emergence of the deferred prosecution agreement and efforts to regulate it; and (5) the black-letter law of corporate criminal liability, including the challenges posed by this standard for companies in light of the collateral consequences of indictment.

Note: This course will meet on 9/10, 9/17, 10/1, 10/8, 10/22, and 10/29.

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## Why should you care? Creating the conditions for excellence

**Course #:** 2730      **Term:** 2015SP      **Faculty:** Schulman, Amy; Frei, Frances      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**

Thu 3:30 PM - 5:30 PM

**Location**

**Course Description:** CCE explores how to identify and overcome the barriers to personal and professional excellence. Through a series of case studies we will investigate the common challenges that hinder even the most effective organizations and individuals as they intersect with these structures. A belief in or curiosity about the personal point of view is required as we assess how to belong to and lead organizations.

CCE is taught over 6 two-hour sessions in the spring term. It is a half course at the business school and a reading group at the law school. Enrollment is limited to 20 students. All classes are taught at the law school.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Women and Ambition

**Course #:** 2737      **Term:** 2015SP      **Faculty:** Claypoole, N. Catherine; Freeman, Jody      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Not Applicable

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This reading group focuses on recent popular literature on the observed disparity in women's and men's professional lives in levels of confidence, willingness to ask for things, eagerness to take risks, reluctance to take credit for their success, and relative comfort with being labeled ambitious. We will discuss the various hypotheses in this expanding literature, which include theories about culture, societal structure, and brain science. These issues are highly relevant to both women and men poised to enter the professional world, yet there is opportunity to discuss them in the law school curriculum. The reading group offers a chance to explore these issues from both a theoretical and practical perspective.

Note: The reading group will meet on the following dates: TBD.

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# Harvard Law School Course Catalog

August 18, 2014 2:02 AM

2014-2015 Academic Year

## Working in the Law Firm of Today and Tomorrow: Shifts, Strategies and Success

**Course #:** 2692      **Term:** 2015SP      **Faculty:** Gardner, Heidi      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Lawyers increasingly face a dilemma: they must collaborate with colleagues to meet ever more complex client demands, but are usually rewarded and promoted based on their individual achievement. This tension is one of several core themes that our Reading Group will explore as we examine how work is changing for attorneys, how well law firms are keeping up with those shifts, and how lawyers can equip themselves to be successful at different stages in their careers.

Collaboration is one area we will explore in depth. A recent HLS study of practicing attorneys at major law firms revealed that they viewed non-traditional skills, such as teamwork, as more important than ever. With an emphasis on developing practical understanding, our activities will include the following:

Read articles based on empirical research and theory, including classic publications and cutting-edge, not-yet-released work.

Dig into analyses, trying to explain why the results emerged and developing insights about how teamwork and collaboration do - and don't - affect important outcomes for lawyers, their firms and their clients.

Consider the impact of technology such as social media, along with trends related to shifting demographics, multicultural clients, and workforce diversity.

Uncover gaps in our understanding of collaboration and point the way toward future research that is needed.

Discuss concrete, practical ways that lawyers gain from collaboration and avoid costly mistakes.

We will also focus on the changing shape of legal careers and the associated choices facing today's lawyers. Finally, we will study the ways that contemporary law firms - and other types of legal service providers - attempt to shape attorneys' behaviors and choices through their talent management processes (hiring, promotion, compensation, etc.).

The class will meet on Tuesday evenings for 6 sessions over the course of the semester.

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