

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Administrative Law

Course #: 2000 **Term:** 2019SP **Faculty:** Vermeule, Adrian **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

Course Description: Prerequisites: None

Exam: In Class

This course will study law making and law application by executive departments of 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 rulemaking and adjudication; the proper role of agencies in interpreting statutory and regulatory law; and judicial review of agency decisions. 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: This course is open to upper-level JDs only.

Administrative Law

Course #: 2000 **Term:** 2018FA **Faculty:** Larsen, Allison **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:00 PM - 2:30 PM

Fri 1:00 PM - 2:30 PM

Course Description: Prerequisite: None

Exam Type: In Class

Administrative law establishes the legal controls over the operation of government and hence it relates to almost every legal practice -- from security regulation to social programs to criminal justice. This course is an introductory examination of the rules and procedures of government federal agencies. It explores: (1) the Constitutional background and limitations on agency action, (2) the procedural requirements (from various sources) that an agency must follow, and (3) the doctrines of judicial review that apply whenever a court evaluates agency decisions.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Administrative Law in the Trump Era

Course #: 2386 **Term:** 2019SP **Faculty:** Vermeule, Adrian; Sunstein, Cass **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

The seminar will explore a variety of legal issues in connection with the modern administrative state, some of which have been put in sharp relief by the current presidency. Some attention will be given to foundational issues surrounding the rise of administrative institutions. Issues will include judicial deference to agency interpretations of law; the president's distinctive position in the context of foreign affairs; and the power to change the policies of a previous administration.

Advanced Clinical Practice

Course #: 2001 **Term:** 2018FS **Faculty:** Caramello, Esme **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 3:00 PM - 5:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Harvard Legal Aid Bureau 3L (4 fall clinical credits + 4 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.
Additional Co-/Pre-Requisites: Harvard Legal Aid Bureau 2L.
By Permission: Yes. This course is restricted to 3L members of HLAB.
Add/Drop Deadline: None.
LLM Students: LLM students are not eligible to enroll.
Multi-Semester: This is a fall-spring course (1 fall classroom credit + 1 spring classroom 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. The Office of Clinical and Pro Bono Programs will enroll all HLAB 3L members in this course.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Advanced Constitutional Law: New Issues in Speech, Press, and Religion

Course #: 2616

Term: 2019SP

Faculty: Minow, Martha

Credits: 2.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Human Rights; Legal & Political Theory

Delivery Mode: Seminar

Days and Times:

Location

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: Constitutional Law: SOP or Constitutional Law: First Amendment

Exam Type: No Exam

Students will write multiple short papers.

We will explore significant challenges to long-standing treatments of religious and speech rights in the face of social movements, such as the movement for LGBT rights, and in the face of technological change, such as the Internet. This seminar will examine several emerging issues and potential responses; U.S. federal constitutional law is the focus, but state constitutions, federal statutes, and comparative law will also provide resources.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Advanced Corporate Transactions

Course #: 2833 **Term:** 2018FA **Faculty:** Sonenshine, Marshall **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: Registration for the course has two prerequisites: (1) Students must have taken Corporations or be taking it concurrently with ACT. (2) In addition, basic corporate financial accounting knowledge is required. The “basic corporate financial accounting knowledge” requirement is not onerous and can be met by having taken Accounting at the law school or in another graduate or undergraduate program or by having other demonstrable familiarity with reviewing basic corporate financial statement (income statement, balance sheet, and cash flow statement) from academic or work settings. Students with questions should be in touch with the instructor at msonenshine@sonenshinepartners.com with a copy to jjohn@sonenshinepartners.com.

Exam type: Any Day Take Home

Advanced Corporate Transactions assesses the inter-related business, financial, and legal issues associated with complex corporate transactions, including Mergers & Acquisitions, Private Equity and Restructuring transactions. The course takes an interdisciplinary approach to assessing issues and dynamics that drive companies, boards, investors, and legal and financial advisers to companies in the transaction process. The course is intended for students who have completed Corporations and who are comfortable (or can reasonably get comfortable) reading the three basic financial statements of companies. These baseline accounting skills will be reviewed early in the course for context. (Students uncertain about the adequacy of their facility reading companies’ financial statements or wanting to improve those skills before the course begins are invited to confer with Mr Sonenshine before registering.)

The course addresses both how deals are done and how corporate finance and markets for corporate control evolve with the business cycle and with financial markets. The course will use business school cases and cases from the instructors investment banking practice, supplemented by relevant legal cases and materials and academic writings on the evolution of the multi trillion dollar M&A and Private Equity markets, often as alternatives to public market stewardship of companies. The course looks at the dramatic changes in the deal business from the 1980s through the 2008 financial crisis and in the years since the financial crisis. The course covers (A) Fundamentals of M&A, Corporate Finance and Valuation; (B) the Evolution of M&A and Private Equity Markets; (C) Business and Transaction Strategies in Deals; and (D) Current Topics in Corporate Finance and Transaction Markets.

The course is taught by Marshall Sonenshine, HLS 85, an investment banker who has served as an Adjunct Professor of Finance and Economics at Columbia University Business School. Mr Sonenshine is Chairman and Managing Partner of New York M&A and Restructuring firm Sonenshine Partners, having previously been Partner to Paul Volcker at Wolfensohn & Co and senior Partner in M&A and Head of Media M&A at Deutsche Bank. He began his banking career at Salomon Brothers in New York. For three decades, Mr Sonenshine has advised on transactions involving major corporations worldwide including Alcoa, AIG, Conrail, Dassault Systemes, Disney, EDS, Hewitt, KKR, Luxottica, New York Times, Proquest, Siemens, Sony, Walgreens, Wellpoint, and numerous others. Mr Sonenshine is a former Editor of the Harvard Law Review and Teaching Fellow in Government at Harvard College and an Instructor in the Introduction to Law course for the LLM Program. He clerked for Hon Lawrence Pierce of the US Court of Appeals for the Second Circuit. Mr. Sonenshine has published widely on corporate financial matters at Columbia University, New York Times, Financial Times, Institutional Investor and other

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

publications and is a frequent global financial commentator for CNBC and Bloomberg Television.

Note: This is a 2 credit course, but the professor is happy to work with students who wish to do additional research and writing for additional independent writing credit on corporate cases for potential publication and potential use in ACT. Registration for independent writing credit should be completed via the Option 1 form, found here.

Advanced Environmental Law

Course #: 2417

Term: 2019SP

Faculty: Mergen, Andrew

Credits: 2.00

Type: Elective

Subject Areas: Environmental Law

Delivery Mode: Course

Days and Times:

Location

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

The course grade would be based on each student's preparation of a series of separate, short papers on the various topics covered during the semester.

This course complements the general survey course in environmental law. The primary contrast between the two courses lies in their relative breadth and depth of coverage. The survey course can perhaps be best described as a series of broad, shallow dives into the substance of federal environmental law. This class, Advanced Environmental Law includes a series, far fewer in number, of much narrower and deeper dives into much of the same material. The basic objective of the course is to teach students how to navigate and think about an exceedingly complex regime of statutes, regulations, and informal agency practices in the context of addressing a concrete environmental problem. By examining in detail environmental law in application, the theoretical underpinnings and the challenges of environmental lawmaking are well highlighted. The course, moreover, is taught in a manner that does not require students who take the class to have first taken the survey class.

The class will meet for two hours each week for twelve weeks. For some topics, there will be two class meetings and for other topics only one. Each topic will involve an important and topical issue of environmental law, broadly defined to include natural resources law topics. Most will involve pending litigation in the federal district court, court of appeals, or U.S. Supreme Court. But it is possible that some topics will involve environmental issues currently being debated and discussed before an administrative agency or Congress.

Because the topics for the Advanced Environmental Law class deliberately focus on current issues, it is not possible to identify the precise topics for Spring Semester 2017. The current expectation is that the class will cover six to ten topics during the semester. The Clean Air Act and the Clean Water Act are likely to be major focal points, but it is also expected they will not be the exclusive focus because of the richness of the breadth of environmental and natural resources law.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Advanced Interpretation: Law and Language

Course #: 2383

Term: 2018FA

Faculty: Lee, Thomas

Credits: 2.00

Type: Elective

Subject Areas: Not Applicable

Delivery Mode: Seminar

Days and Times:

Location

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

This seminar invites students to explore the theory and practice of interpretation in public and private law. We will begin with an introduction to the field of law and language—considering both legal and linguistic scholarship of relevance to the practice of legal interpretation. And we will extend this scholarship to an in-depth, comparative analysis of the law’s approach to interpretation in the fields of constitutional law, legislation, and contracts.

In each of these fields students will first be presented with legal scholarship on the premises of interpretation in that field. We will then explore tools of interpretation that may be used to resolve the interpretive problems that arise in each field. Among other tools, students will be introduced to methods used by linguists (including corpus linguistic analysis). Each unit will close with a practice problem allowing students to apply the theory and tools they have learned in analyzing a hypothetical problem of the sort that might arise in the field. Student performance will be assessed on the basis of class participation and, more significantly, short papers submitted in response to the practice problems.

Note: This seminar will meet over 6 weeks; exact dates TBD.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Advanced Legislation: Statutory Interpretation

Course #: 2231

Term: 2018FA

Faculty: Rabb, Intisar

Credits: 3.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Government Structure & Function; Legal & Political Theory

Delivery Mode: Course

Days and Times:

Location

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description: Prerequisite: Legislation & Regulation is a prerequisite for JD students. LLM or SJD students should have had a similar class or work experience in their prior legal education or work as a lawyer, before permission can be granted to take the course.

Exam Type: One Day Take-Home

With the presence and passing of Justice Scalia from the Court, statutory interpretation has come to occupy - alongside constitutional law - the locus of arguments around theories of how to interpret law. Moreover, 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 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 criminal law and anti-discrimination law.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Advanced Readings in Japanese Law

Course #: 2317

Term: 2018FA

Faculty: Ramseyer, J. Mark

Credits: 2.00

Type: Elective

Subject Areas: Government Structure & Function; International, Comparative & Foreign Law;
Legal & Political Theory

Delivery Mode: Seminar

Days and Times:

Location

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: Because the readings are in Japanese, students should have the equivalent of at least two years language instruction, but the difficulty of the materials will be adjusted to the reading levels of the students (and the class can be split if necessary). Native speakers of Japanese are welcome to attend, but may not take the course for credit. Students who are unsure whether the class is appropriate for them should contact Professor Ramseyer by email (ramseyer@law.harvard.edu).

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Advanced Skills Training in Strategic Human Rights Advocacy

Course #: 2399 **Term:** 2018FA **Faculty:** Giannini, Tyler **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:00 PM - 5:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement.

Required Clinic Component: International Human Rights Clinic - Advanced. 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: August 28, 2018.

LLM Students: Due to the pre-requisite, LLM students are not eligible to apply.

Placement Site: HLS.

This seminar offers advanced training in strategic and people-centered human rights advocacy that builds on themes and skills from the introductory seminars of the International Human Rights Clinic.

Students will explore a variety of strategic considerations that are critical to protecting and promoting human rights, including how to conceptualize and advance human rights agendas that target entrenched, structural challenges; how to mobilize constituencies and collaborate with affected communities to better address power imbalances and ensure sustainability; and how to develop communication strategies and narratives for maximum impact. Student will also consider how to stay connected to the people and communities with whom we work. Strategic decisions as well as those that touch individuals are often integrally tied to ethical questions, and thus the seminar also examines professional ethics and responsibilities through scenarios based on human rights practitioners own experiences in the field. In addition, students will workshop their own clinical projects, specifically considering ways to improve their impact and effectiveness.

The seminar is centrally concerned with building the leadership skills necessary for a career in human rights. As part of this leadership development, the seminar is committed to increasing student ownership over the learning processes in both the seminar and the Clinic. Students will work with the instructors to create a safe and inclusive learning environment that also encourages pedagogical experimentation. Students will help determine their learning priorities, and during the fall term, the seminar will experiment with a social justice lab that stems from a hack-a-thon methodology. Recent student projects have focused on human rights in the United States, op-ed writing and storytelling in the human rights context, dealing with trauma and developing a more sustainable practice, approaches to increase attention on disability rights, strategic and tactical mapping for human rights campaigns, the ethics of fact-finding and interviewing, negotiation and coalition-building, and community-based participatory action and research.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Advanced Topics in Evidence

Course #: 2838 **Term:** 2018FA **Faculty:** Nesson, Charles **Credits:** 2.00

Type: Elective **Subject Areas:** Legal & Political Theory; Procedure & Practice

Delivery Mode: Seminar

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam Students will write a paper (1500 words) due at the end of the exam period.

The epistemology of legal, scientific, and political truth. We will consider proof by witness, proof by expert, proof by statistics and CSI, and the relationship of truth to evidence, time and viewpoint. This is NOT a course on the Federal Rules of Evidence.

Advanced Topics in Financial Regulation

Course #: 2087 **Term:** 2019SP **Faculty:** Tarullo, Daniel **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 3:20 PM - 4:50 PM

Wed 3:20 PM - 4:50 PM

Course Description: Prerequisite: Regulation of Financial Institutions , Capital Markets Regulation, or by permission of instructor.

Exam Type: Last Class Take-Home

This course will examine two kinds of topics: (1) more in-depth treatment of key elements of financial regulation covered in introductory courses; and (2) selected emerging issues. The former will include capital (theories and varieties of capital regulation, stress testing) and liquidity (experience with liquidity squeezes in periods of financial stress, rationales for liquidity regulation, role of central bank lender-of-last-resort facilities). The latter will include the regulation of systemic risk (more stringent regulation of systemically important bank and non-bank financial institutions, activities of unregulated firms, institutional mechanisms for systemic risk oversight), and some ways in which financial technology innovation (Fintech) poses challenges for financial regulation. A point of emphasis across topics will be how the Financial Crisis of 2007-2009 led to changes in financial regulation.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Advanced Topics in Jewish Law and Legal Theory

Course #: 2437 **Term:** 2018FA **Faculty:** Feldman, Noah **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Thu 7:00 PM - 9:00 PM

Course Description: 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 with a copy to swhalen@law.harvard.edu.

Exam Type: No Exam

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.

Note: This reading group will meet on the following dates: TBD

Drop Deadline: TBD

Advanced Topics in Jewish Law and Legal Theory

Course #: 2437 **Term:** 2019SP **Faculty:** Feldman, Noah **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

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Exam Type: No Exam

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.

Note: This reading group will meet on the following dates: TBD

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Advertising Law

Course #: 2753 **Term:** 2019SP **Faculty:** Tushnet, Rebecca **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

This course covers legal regulation of advertising in the United States, with some comparison to other countries. Private causes of action by consumers and competitors, state attorneys general, and the Federal Trade Commission all form part of the law of advertising. Topics will include falsity, substantiation, surveys, product placement, "green" marketing claims, disclosures and disclaimers, and First Amendment aspects of advertising regulation.

Advisor Liability in M&A

Course #: 2238 **Term:** 2019SP **Faculty:** Fried, Jesse; Friedlander, Joel **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: Corporations or by permission of the instructors.

Exam: No Exam

Students will be graded based on memos submitted before each session, as well as on class participation.

Note: This course will meet for six sessions. Specific dates TBD.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

American Democracy

Course #: 2955 **Term:** 2019SP **Faculty:** Unger, Roberto Mangabeira; West, Cornel **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:00 PM - 3:00 PM

Course Description: Prerequisites: None

Exam: Take-home exam, not administered by HLS

Democracy, inequality, and nationalism in America. The white working class and American politics. Class and race. Identities and interests. Conditions for socially inclusive economic growth. Alternative directions of institutional change, viewed in light of American history. Democratizing the market and deepening democracy. Self-reliance and solidarity.

Readings from classic and contemporary works on the United States. Take-home examination.

Note: This course is jointly-offered with FAS as AFRAMER 123z and HDS as 2733.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

American Indian Law

Course #: 2002 **Term:** 2018FA **Faculty:** Anderson, Robert **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

Course Description: Prerequisites: None

Exam Type: In-Class

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 gaming; and settlement of Alaska Native land claims.

The casebook is Anderson, Berger, Krakoff & Frickey, American Indian Law, Third Edition (West 2015).

American Legal History

Course #: 2004 **Term:** 2019SP **Faculty:** Mann, Bruce **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

American Legal History: From Reconstruction to the Present

Course #: 2519 **Term:** 2018FA **Faculty:** Weinrib, Laura **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

This course examines major legal and constitutional conflicts in American history beginning with Reconstruction. Topics include law and social movements, the role of the courts, rights consciousness, the legal profession, and legal thought. Students will connect legal texts and legal struggles to broader developments in social, cultural, and political history.

Note: This course will meet over six weeks from September 26 through November 2.

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

Course #: 2586 **Term:** 2019SP **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

Course Description: Prerequisites: None

Exam Type: No Exam

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 civil rights movement, womens liberation, the labor movement and anti-poverty struggles. Students read legal cases and works of historical and legal scholarship. Laptops not permitted in class.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Analytical Methods for Lawyers

Course #: 2006 **Term:** 2019SP **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: **Location**

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

Course Description: Prerequisites: None

Exam Type: In Class

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 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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

regression analysis, as well as issues that commonly arise when statistics are used in the courtroom.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Analytical Methods for Lawyers

Course #: 2006 **Term:** 2018FA **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: **Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

Course Description: Prerequisite: None. This course is designed to be fully accessible to those with no prior quantitative training or background in the subjects covered.

Exam Type: In-Class

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

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.

Animal Law

Course #: 2355 **Term:** 2019SP **Faculty:** Stilt, Kristen **Credits:** 2.00

Type: Elective **Subject Areas:** Disciplinary Perspectives & Law; International, Comparative & Foreign Law; Regulatory Law

Delivery Mode: Course

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: There are no prerequisites, and 1L students are welcome in the class.

Exam Type: One Day Take-Home Students will be evaluated on the basis of class participation and the final exam.

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"?

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Antitrust Law & Economics -- Global

Course #: 2099 **Term:** 2018FA **Faculty:** Elhauge, Einer **Credits:** 5.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:20 PM - 3:00 PM

Thu 1:20 PM - 3:00 PM

Fri 1:20 PM - 3:00 PM

Course Description: Prerequisite: None

Exam Type: In Class

Given the reality of global markets, modern antitrust law and legal practice are both global, as is any anticompetitive conduct they seek to regulate on global markets. This course thus teaches basic antitrust principles using cases and materials from throughout the world, with the focus on US and EC sources because those are the most active antitrust enforcers and have the most well developed antitrust doctrines.

The book will be ELHAUGE & GERADIN, GLOBAL ANTITRUST LAW & ECONOMICS (Foundation Press 3d ed. 2018).

Note: Students who have taken U.S. Antitrust Law may not take this course because it duplicates the U.S. portion of the material covered in Global Antitrust Law.

Applied Ethical and Governance Challenges in AI

Course #: 2728 **Term:** 2019SP **Faculty:** Zittrain, Jonathan; Ito, Joichi **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: Prerequisite: Admission by application

Exam Type: No Exam

This course will pursue a cross-disciplinary investigation of the development and deployment of the opaque complex adaptive systems that are increasingly in public and private use. We will explore the proliferation of algorithmic decisionmaking, autonomous systems, and machine learning and explanation; the search for balance between regulation and innovation; and the effects of AI on the dissemination of information, along with questions related to individual rights, discrimination, and architectures of control.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Armed Conflict and Civilian Protection

Course #: 2509 **Term:** 2018FA **Faculty:** Docherty, Bonnie **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: Students who enroll in this course may count the credits towards the JD experiential learning requirement.

Art of Social Change

Course #: 2011 **Term:** 2019SP **Faculty:** Hazen, Crisanne; 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: Prerequisites: None
Exam Type: No Exam
This course deals with strategies for changing law and policy, focusing on child welfare (abuse and neglect, foster care, adoption), education, and juvenile justice. We bring into the classroom as visiting lecturers leaders from the worlds of policy, practice, and academia—successful change agents representing different disciplines, career paths, and strategies for change. We explore significant reform initiatives, and debate with the speakers and each other how best to advance children's interests. The emphasis is on different approaches to social change, inside and outside of the courtroom, with the goal of informing students' future advocacy efforts.
Receptions 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.
Visit the Child Advocacy Program (CAP) website to see a schedule of the speakers and topics from previous semesters.
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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Autonomous Vehicles and Local Government Lab

Course #: 2227 **Term:** 2018FA **Faculty:** Crawford, Susan **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 1:10 PM - 3:10 PM

Course Description: Prerequisites: None

Exam Type: No Exam

The introduction of autonomous vehicles to the streets of American cities is already posing difficult questions of power, authority, and effect on existing public institutions. This lab course is being designed in collaboration with the City of Boston, which is hosting an AV testbed. We will, as a lab, work on several crucial live-fire projects aimed at assisting the city, including but not limited to: What legal/policy levers does the city have to shape its own destiny with respect to AVs? How could AVs be harnessed in the service of public transit? and How could city values of accessibility, growth, equity, and safety best be served by AVs? We will learn about AV technology, the state of AV implementation in other cities around the world, the state of American law, including local government law, with respect to AVs, and other related topics. Group work on projects that will be useful to Boston will be the basis of evaluation.

Bankruptcy

Course #: 2013 **Term:** 2018FA **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**

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

Course Description: Prerequisite: Students without prior exposure to business should normally take Corporations concurrently.

Exam Type: In-Class

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 loan agreement, a prospectus, a complaint in a loan dispute, and SEC submissions. Students will ordinarily participate in a simulated Chapter 11 reorganization.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Bankruptcy

Course #: 2013

Term: 2019WI

Faculty: Triantis, George

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

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: Prerequisite: None

Exam Type: In Class

Evaluation by written examination.

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 or acquisition of the company during bankruptcy, and the process of negotiating, voting, and ultimately confirming a plan of reorganization.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Bearing Witness: Documentary Film in the Struggle for Human Rights

Course #: 2983 **Term:** 2019SP **Faculty:** Cohen, Rebecca Richman **Credits:** 1.00

Type: Elective **Subject Areas:** Disciplinary Perspectives & Law; Human Rights; International, Comparative & Foreign Law

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 5:00 PM - 8:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam
This course will examine how visual representations affect the theory and practice of human rights advocacy. Using both film screenings and written texts, we will examine the role of documentary storytelling and imagery in the human rights movement. How have representations of human suffering simultaneously informed and reformed the social meanings we ascribe to them? This course will explore the visual representations that directly affect public recognition of rights and wrongs.
Additional time reserved for viewing films.
Note: This reading group will meet on the following days: TBD
Drop Deadline: TBD

Becoming a Law Professor

Course #: 2416 **Term:** 2019SP **Faculty:** Tobin, Susannah **Credits:** 1.00

Type: Elective **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 10:30 AM - 11:30 AM

Course Description: Prerequisite: Admission is by application via email to Susannah Barton Tobin at stobin@law.harvard.edu by October 31, 2018. Please include a paragraph expressing your interest in the reading group and a CV.

Exam Type: No Exam

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

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.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Behavioral Economics, Law and Public Policy

Course #: 2589

Term: 2019SP

Faculty: Sunstein, Cass

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: Prerequisite: Instructor permission is required. Please send a statement of interest and your resume to Brenda Bee (bbee@law.harvard.edu) by November 20, 2018.

Exam Type: No Exam

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.

Note: This seminar is cross-listed with FAS & HKS.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Business Strategy for Lawyers

Course #: 2015 **Term:** 2019SP **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: **Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

Course Description: Prerequisites: Students should have some exposure to microeconomics or a related discipline (e.g., Analytical Methods, Law & Economics, an undergraduate class in economics, finance, etc.). Familiarity with algebra is assumed. Students who are unsure should contact the professor.

Exam Type: In Class

Requirements include several analytical assignments, frequent in-class evaluations, and a final exam.

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, familiarity with economic reasoning and algebra is assumed.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Business Valuation and Analysis

Course #: 2090 **Term:** 2019SP **Faculty:** Dharan, Bala **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:20 AM - 11:50 AM

Fri 10:20 AM - 11:50 AM

Course Description: Prerequisites: HLS courses "Introduction to Accounting" or "Analytical Methods for Lawyers", or equivalent prior accounting course at another university covering introduction to financial accounting for at least 1 unit or credit. If you are claiming a prior accounting course other than one of the above two HLS courses to satisfy the accounting prerequisite, please email Prof. Dharan with details (e.g., when taken, where, title of the course, how many units or credits, taken for grade or not, etc.) to request approval.

Exam Type: In Class

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Cannabis Law

Course #: 2149 **Term:** 2019SP **Faculty:** Rodriguez, Daniel **Credits:** 1.00

Type: Elective **Subject Areas:** Criminal Law & Procedure; Government Structure & Function; Regulatory Law

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

In this reading group, we will consider the ways in which federal, state, and local law regulates and structures the emerging cannabis industry. We will consider issues of criminal law enforcement, land use, civil rights, banking, and other issues arising from the cultivation, distribution and use of marijuana for recreational and/or medical purposes.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Capital Punishment Clinic

Course #: 8005 **Term:** 2019WS **Faculty:** Steiker, Carol **Credits:** 5.00

Type: Clinic **Subject Areas:** Criminal Law & Procedure; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Required Class Component: Capital Punishment in America (3 fall classroom credits). Some seats are reserved for clinical students. Once a student enrolls in this clinic, the Office of Clinical and Pro Bono Programs will enroll them in the required course. If a student drops this clinic, they will also lose their seat in the required class component.
Additional Co-/Pre-Requisites: None.
By Permission: No.
Add/Drop Deadline: Please note that this clinic has a drop deadline of August 28, 2018.
LLM Students: LLM students may apply to this clinic by submitting an application.
Multi-Semester: This is a winter-spring clinic (2 winter clinical credits + 2-3 spring clinical 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.
This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Most placement organizations are open Monday-Friday from 9am-5pm.
Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic and its possible placements (clinical@law.harvard.edu or 617-495-5202).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Capital Punishment in America

Course #: 2020

Term: 2018FA

Faculty: Steiker, Jordan

Credits: 3.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Criminal Law & Procedure

Delivery Mode: Course

Days and Times:

Location

Mon 1:15 PM - 2:45 PM

Tue 1:15 PM - 2:45 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.

Prerequisite: JD students must have completed Criminal Law. For LLMs, instructor permission is required.

Exam Type: In Class

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 disability 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.

Some seats are reserved for students enrolled in the winter-spring Capital Punishment Clinic. Students who enroll in the clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student enrolled in a clinical seat drops the winter-spring clinic, they will also lose their seat in this course.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Challenges of a General Counsel

Course #: 2475 **Term:** 2018FA **Faculty:** Wilkins, David **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: By permission of the instructor.

Exam Type: No Exam

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 in major private sector, public sector and non-profit sector institutions. In the past 25 years, general counsel have risen in power and status within the profession, becoming core members of top management and intimately involved in complex, multi-faceted problem solving and strategy setting. The "cases" in this course involve questions beyond "what is legal" and focus on "what is right," using specific illustrations drawn from the contemporary world - in business (e.g. the BP oil spill, Googles clash with the Chinese government GM's delay in dealing with ignition switch issues); in government (e.g. Guantonamo, don't ask don't tell, Iran sanctions, torture, Libya); and in non-profit organizations (e.g. privacy, sexual harassment policies, patient's rights). These cases involve a broad range of considerations: ethics, reputation, risk management, public policy, politics, communications and organizational 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 organization, but who must navigate complex internal relationships and challenging external ones. 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. The first four classes of the course will be focus on the role of general counsel in a multi-national corporation, and will be taught by Professors Wilkins and Heineman and a current GC. The next five classes will focus on public sector and will be taught by distinguished leaders who served as White House Counsel, Defense Department GC, Legal Advisor at the State Department, Treasury Department GC and Assistant Attorney General-Legal Counsel at the Justice Department. The final three classes will focus on the non-profit sector and will be taught by the GCs of the Mellon Foundation, Harvard University and Partners Healthcare.

Each class will center around a one or two page hypothetical or real problem dealing with a fundamental challenge faced by general counsels in a rich context involving institutional dynamics, personality, policy, politics, culture and history. In preparation for the discussion, students will read materials from a variety of sources and disciplines designed to give them background on the problem and institution to be discussed. Students will also write 2-3 page response papers (which will be graded pass/fail) using the problem to highlight issues they feel are important and to raise questions for the class discussion. Students will be graded on satisfactorily completing all response papers, on actively participating in class discussion, and on a 10 page paper due on the last day of exam period on a topic relating to the role of the GC in a particular setting.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice

Course #: 8001 **Term:** 2019WS **Faculty:** Hazen, Crisanne **Credits:** 7.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Child Advocacy: Child Welfare, Education & Juvenile Justice Clinical Seminar (2 spring classroom 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: Please note this clinic has an early drop deadline of October 29, 2018.

LLM Students: LLM students are not eligible to enroll.

Multi-Semester: This is a winter-spring clinic (2 winter clinical credits + 4-5 spring clinical credits).

Placement Site: Various externship placements. Click here for a master list of placement sites since CAPs inception. The Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice 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 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. During the winter term, students engage in full-time work at sites generally located outside of the Boston area. During the spring term, students engage in part-time work (16-20 hours/week for 4-5 clinical credits) at the same site from Cambridge. Enrollment is capped at 8 students.

This course is open only to students who have not taken the Child Advocacy Clinic: System-Involved Youth (held in the fall 2018 semester).

Fieldwork Component: The winter-spring Clinic places students with model organizations around the country and occasionally around the world. Students work full-time at a distant placement for the winter term and then return to Cambridge in the spring, working part-time and remotely for the same organization.

Students work in a wide array of fieldwork settings, ranging from organizations that promote systemic change through impact litigation, to those working on legislative reform, to grassroots organizing initiatives, to social enterprises. Some students will work for reform from within the system and others from outside. Typically, winter-spring students will not engage in individual legal representation.

Based on their particular placements, students may: 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; or create, conduct, and analyze interviews. For instance:

In the child welfare area, students may work with a leading boutique impact litigation firm challenging the treatment of youth in foster care; with a new social venture to engage the media to promote the interests of foster care youth; or 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 new school financing laws; engage in efforts to ensure incarcerated youth receive high-quality schooling;

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

or advise schools and communities on dismantling the school-to-prison pipeline. In the juvenile justice area, students may develop trainings on best practices for staff at juvenile incarceration facilities; or fight for improved conditions of confinement for juveniles.

Note that many placements cut across substantive areas and engage students in a host of advocacy strategies and skills.

Matching Process: Once enrolled in the Clinic, the Child Advocacy Program (CAP) will provide students with a list of fieldwork placement organizations and their potential projects. Students will give CAP information about their background and interests and rank their placement preferences. CAP will then match students with a placement based on their preferences, the organizations needs, and CAPs mission to provide students with a broad spectrum of experiences. Visit the Child Advocacy Clinic webpage for a list of organizations where clinic students have been placed in prior years.

This course is part of the Child Advocacy Program (CAP), whose other courses are: Art of Social Change; Child Welfare, Education & Juvenile Justice; Child, Family, and State (alternating years); Family Law (alternating years); and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice

Course #: 8001 **Term:** 2019SP **Faculty:** Hazen, Crisanne **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Child Advocacy: Child Welfare, Education & Juvenile Justice Clinical Seminar (2 fall classroom 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: Please note that this clinic has an early drop deadline of November 27, 2018.

LLM Students:

Placement Site: Various externship placements. The Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice 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. It addresses a variety of substantive areas impacting the lives of children, with a focus on child welfare (abuse and neglect, foster care, and adoption), education, and juvenile justice. The Clinic is relevant not only for students 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 (16-20 hours/week for 4-5 clinical credits) at local organizations in the Greater Boston area. Enrollment in the spring clinic is capped at 14 students.

This course is open only to students who have not taken the Child Advocacy Clinic: System-Involved Youth (held in the fall semester).

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.

Based on their particular placements, students may: 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, students may represent individual children who are abused and neglected; serve alongside District Attorneys prosecuting caretakers accused of child maltreatment; or work with juvenile court judges adjudicating care and protection and other child welfare cases.

In the education area, 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; 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, students may support legislative changes to improve conditions of confinement for juveniles; promote policies to reform the justice system for youth of color; or work alongside juvenile defenders in delinquency and youthful offender cases.

Note that many placements cut across substantive areas and engage students in a host of advocacy strategies and skills.

Matching Process: Once enrolled in the Clinic, the Child Advocacy Program (CAP) will provide students with

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

a list of fieldwork placement organizations and their potential projects. Students will give CAP information about their background and interests and rank their placement preferences. CAP will then match students with a placement based on their preferences, the organizations needs, and CAPs mission to provide students with a broad spectrum of experiences. Visit the [Child Advocacy Clinic webpage](#) for a list of organizations where clinic students have been placed in prior years.

This course is part of the Child Advocacy Program (CAP), whose other courses are: Art of Social Change; Child Welfare, Education & Juvenile Justice; Child, Family, and State (alternating years); Family Law (alternating years); and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Child Advocacy Clinic: System-Involved Youth

Course #: 8001 **Term:** 2018FA **Faculty:** Hazen, Crisanne **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Child Advocacy: System-Involved Youth Clinical Seminar (2 fall classroom 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: Please note that this clinic has an early drop deadline of June 30, 2018. LLM Students: Due to the early drop deadline, LL.M. students are not eligible to enroll. Placement Site: Various externship placements. The Child Advocacy Clinic: System-Involved Youth is designed to educate students about a range of issues faced by children and youth involved in the child welfare and juvenile justice systems. With a specific focus on adolescents and young adults, this course will address issues such as transitioning out of the foster care system, sexual exploitation, teen parenting, medical consent, and the rights of youth in the juvenile justice system. Enrollment Options: The Child Advocacy Clinic: System-Involved Youth is a fall course. Clinical students work part-time (16-20 hours/week for 4-5 clinical credits) at local organizations in the Greater Boston area. 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 government agencies. Based on their particular placements, students may: 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; and participate in mediations. For instance: Within the child welfare system, students may represent individual children who are abused and neglected; participate in efforts by the Department of Children and Families to address the needs of transition-aged youth; or work with juvenile court judges adjudicating care and protection and other child welfare cases. Within the juvenile justice system, students may work to end the school-to-prison pipeline; promote policies to reform the justice system for youth of color; help youth being sexually trafficked; or work alongside juvenile defenders in delinquency and youthful offender cases. Note that many placements cut across substantive areas and engage students in a host of advocacy strategies and skills. Matching Process: Once enrolled in the Clinic, the Child Advocacy Program (CAP) will provide students with a list of fieldwork placement organizations and their potential projects. Students will give CAP information about their background and interests and rank their placement preferences. CAP will then match students with a placement based on their preferences, the organizations needs, and CAPs mission to provide students with a broad spectrum of experiences. Visit the CAP Clinic webpage for a list of organizations where clinic students have been placed in prior years. This course is part of the Child Advocacy Program (CAP), whose other courses are: Child Advocacy: Child Welfare, Education & Juvenile Justice Clinical Seminar, Art of Social Change; Child, Family, and State (alternating years); Family Law (alternating years); and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Child Advocacy: Child Welfare, Education & Juvenile Justice Clinical Seminar

Course #: 2021 **Term:** 2019SP **Faculty:** Hazen, Crisanne **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice, either during the winter-spring (2 winter clinical credits + 4-5 spring clinical credits) or spring (4-5 spring clinical credits). Students who enroll in either of the two clinic offerings (winter-spring or spring) will be enrolled in this required clinical course by the Office of Clinical and Pro Bono Programs.

Additional Co-/Pre-Requisites: None.
By Permission: No.

Add/Drop Deadline: Please note that this clinic has early drop deadlines - October 29, 2018 for winter-spring clinical students and November 27, 2018 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 Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice 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. It addresses a variety of substantive areas impacting the lives of children, with a focus on child welfare (abuse and neglect, foster care, and adoption), education, and juvenile justice. The Clinic is relevant not only for students with a particular interest in children's issues, but also for those more generally interested in social change. This course is open only to students who have not taken the Child Advocacy Clinic: System-Involved Youth (held in the fall semester).

All clinic students participate in both the classroom seminar and a clinical fieldwork component. The clinic offers two fieldwork options: (1) winter-spring and (2) spring.

During the spring seminar, students bring into the classroom their varied experiences, presenting on both specific projects and cases in which they are engaged, and also their placement organizations larger vision for improving conditions for children and families. Students reflect on each others varied experiences, consider which strategies in the field are working and why, and evaluate the benefits and limitations of different approaches.

Regular classroom attendance and active participation in discussion is required. Grading will be based on a combination of each students clinical fieldwork, seminar presentation and related packet, contributions to class discussion throughout the term, and one or more short reflection papers.

Once enrolled in the Clinic, the Child Advocacy Program (CAP) will provide students with a list of fieldwork placement sites and their potential projects. Students will give CAP information about their background and interests and rank their placement preferences. CAP will then match students with a placement based on their preferences, the organizations' needs, and CAPs mission to provide students with a broad spectrum of experiences. Visit the Child Advocacy Clinic website for more about the Clinic, including answers to frequently asked questions.

This course is part of the Child Advocacy Program (CAP), whose other courses are: Art of Social Change; Child Welfare, Education & Juvenile Justice; Child, Family, and State (alternating years); Family Law (alternating years); and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Child, Family and State

Course #: 2023 **Term:** 2019SP **Faculty:** Bartholet, Elizabeth **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 3:20 PM - 4:50 PM

Wed 3:20 PM - 4:50 PM

Course Description: Prerequisites: None
Exam Type: One Day Take-Home
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.

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

Course #: 2702 **Term:** 2018FA **Faculty:** Lau, Ming Wai **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: None
Exam Type: No Exam
This Reading Group will study what the "One Country, Two Systems" principle means twenty-one years after Hong Kong's handover back to Mainland China. After gaining an understanding of this unique constitutional principle, students will explore the various accomplishments and challenges that Mainland China and Hong Kong have experienced in the legal, economic, political, and cultural realms. Reading materials will include constitutional documents, statutes and cases, academic and business articles, and various media publications.

Note: This reading group will meet over a three-week period. Exact dates TBD.

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Civil Rights Litigation

Course #: 2651

Term: 2019SP

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: Prerequisite: Civil Procedure

Exam Type: One Day Take-Home

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Civil War and the Transformation of International Law

Course #: 2241

Term: 2019SP

Faculty: Orford, Anne

Credits: 1.00

Type: Elective

Subject Areas: Not Applicable

Delivery Mode: Reading Group

Days and Times:

Location

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Whether, and if so under what conditions, foreign actors can lawfully engage with parties to a civil war continue to be pressing questions for international law and international relations. The intensity of recent debates about the legality of interventions in Iraq, Syria, Yemen, and Ukraine illustrates the urgency of these questions, and the difficulty of finding general principles to address them. This reading group will explore whether and how legal arguments for and against involvement in civil wars - to promote particular political systems, guarantee regional order, protect civilians, defeat non-state terrorist groups, or secure economic investment - have shaped foundational legal principles regulating the use of force, recognition, intervention, and investment protection, and challenged distinctions between inside and outside, civil and international, domestic and foreign, or war and peace. The group will read works from international law, history, and political theory to place legal debates within a broader jurisprudential and social context, and will explore the changing role of international law and international lawyers in framing and justifying interventions in the American Civil War, the Spanish Civil War, Vietnam, Afghanistan, Nicaragua, the former Yugoslavia, and Syria. We will consider the adequacy of the broad conceptual architecture that we have inherited to address such situations, and what might be emerging to take its place. Rather than treating the inability of law to remain above the political battle as a problem, we will explore whether international lawyers can develop a foundation for contemporary public debates about the legality of force and intervention that takes conflicts over empirical evidence and normative arguments, or facts and values, seriously.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Class Actions: Litigating Advanced Topics

Course #: 2024 **Term:** 2018FA **Faculty:** Clary, Richard **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:00 PM - 3:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement.
Prerequisites: Civil Procedure

Exam Type: No Exam

This course will focus on current topics in class action litigation through an experiential lens. In addition to readings and classroom discussion, students will be asked to draft a client legal/strategy memo, two briefs (one on the plaintiff side, one on the defense side), and a judicial opinion over the course of the semester. This course will cover class actions through the various stages of litigation, from initiation and initial motion practice (jurisdiction, selecting plaintiffs, standing, class standing, mootness, etc.), to class certification standards, procedures and opt outs, to class settlements, objectors and fee awards, and management of repetitive class actions.

Note: This course is open to upper-level JDs.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Climate Solutions Living Lab

Course #: 2921 **Term:** 2019SP **Faculty:** Jacobs, Wendy **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 5:00 PM - 8:00 PM

Course Description: Note: This course meets from 5-8 pm once per week. Time is set aside during the last hour of the class each week for team break out meetings. Prerequisites: By Permission. Please send a statement of interest and CV to wjacobs@law.harvard.edu . This is a multi-disciplinary course; students will work in multi-disciplinary teams. Cross-registrants from SEAS, GSD, HKS, SPH, HBS are encouraged to apply. Exam: No Exam. There will be short written and oral exercises throughout the semester and, at the end of the semester, a final paper that describes and analyzes the project development and outcome process. Grading will be based on the quality of class participation, team work, exercises, final paper and presentation. This course has a limited number of seats to be filled by advanced students from multiple disciplines (law, business, engineering, design, policy, public health) who will together design and study practical solutions for reducing the use of fossil fuels in the U.S. and reducing emissions of potent greenhouse gases from a variety of activities other than generation of energy. The course will focus on solutions that could potentially help low-income, under-served populations improve their living conditions with power generated by renewable sources of fuel as well as identifying innovative legal and financing pathways for such projects. Together, we will identify potential projects, analyze their feasibility from multiple perspectives (economic, technological, legal, health, etc), and select several projects for further scrutiny and development of implementation pathways. For example, we may consider innovative projects that may be of interest to Native American communities in the U.S., indigenous Mexican communities, and other low-income or isolated communities. We will also consider projects that could help Harvard and other institutions meet their greenhouse gas reduction and elimination goals. Together, we will develop the appropriate screening criteria to apply to projects we identify. For example, projects selected should be replicable and scalable and could include (1) mechanisms for innovative renewable energy solutions in inner-city public schools or poor, under-served rural communities; (2) studying ways to create markets for displacing “dirty”, mined natural gas with captured biogas with a view to the use of biogas at Harvard’s own steam plant; (3) technologies and/or incentives to reduce emissions of GHG from the agricultural sector; and (4) studying the carbon offset and renewable energy procurement markets. We will break into teams for intensive analyses of and development of implementation pathways for projects that survive the screening process. Students in this class will learn how projects proceed from concept through screening, design, financing, environmental review, challenges, and permitting. This course is practical, highly interactive, and hands-on. Faculty from other Harvard graduate schools, including Public Health, Public Policy, and SEAS will be involved. In addition to lectures and regular team meetings, there will be opportunities to meet with experts, including financiers, technology and renewable energy developers, government representatives, leading corporations, and leading consultants. Lectures will provide background on pertinent topics including the science of greenhouse gases (GHG) and air pollution, the health impacts and other co-benefits of GHG emission reductions, the laws pertaining to air pollution, electricity markets and their regulation, the siting, permitting and financing of projects, and, data collection techniques (including chemistry, data analysis, and GIS methods). Students will learn about key elements of project development and the practice of environmental law, including mechanisms for raising and resolving controversies, identifying the environmental impacts of a project, parsing and applying relevant statutes and regulations, analyzing mechanisms for mitigating project impacts and managing controversies, identifying the permits and approvals needed for a project, and identifying funding sources for project development.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Commercial Law: Secured Transactions

Course #: 2026 **Term:** 2018FA **Faculty:** Kaufman, Andrew **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:30 AM - 11:50 AM

Tue 10:30 AM - 11:50 AM

Wed 10:30 AM - 11:50 AM

Course Description: Prerequisite: None

Exam Type: In-Class

Grades will be based principally on the final exam, but also, to some extent, on class participation or assigned classroom exercises.

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 economy. 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.

Text: LoPucki and Warren, Secured Credit: A Systems Approach (8th ed. Aspen 2016); Warren, Bankruptcy and Article 9 Statutory Supplement (latest VisiLaw or regular version.)

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Communications Law

Course #: 2637 **Term:** 2018FA **Faculty:** Crawford, Susan **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Course Description: Prerequisites: None

Exam Type: No Exam

Grades will be based on class participation and a paper.

Rapidly changing computing/communication technologies pose deep challenges to existing regulatory frameworks. This course provides a legal, technological, and policy introduction to these changes and challenges. Although there are no prerequisites for this course, students who have already taken administrative law and/or antitrust law might find that this course both reinforces and applies the concepts introduced in those other courses. Students who have not taken those courses may find this course a helpful way to explore those other subjects. We will cover the regulatory regimes that govern radio, broadcast television, cable television, the telephone system, and Internet access infrastructure.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Community Enterprise Project of the Transactional Law Clinics

Course #: 8048 **Term:** 2018FA **Faculty:** Price, Brian; Teuscher, Carlos **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Required Class Component: Transactional Law Clinical Workshop (2 spring classroom credits). Once a student is accepted into this clinic, they will be enrolled in the required class component by the Office of Clinical and Pro Bono Programs. Additional Co-/Pre-Requisites: None. By Permission: Yes. Please see below for more details about the application process. Add/Drop Deadline: Please note that students enrolled in CEP have an early drop deadline of August 3, 2018. LLM Students: LLM students may apply to CEP by submitting an application. Placement Site: HLS.

The Community Enterprise Project is a by-application division of the Transactional Law Clinics in which students engage in both direct client representation and community economic development. In addition to representing clients located near the Legal Services Center at Harvard Law School on transactional matters, CEP students work in small groups to connect with community organizations, identify organizational and community legal needs, and develop comprehensive strategies to address those needs while gaining valuable, real-world transactional law experience in a community setting.

To apply to CEP, please submit a statement of interest (no more than 200 words) and resume.

Please note that CEP students must commit to spending at least half of their clinical hours on Wednesdays and/or Thursdays at the Legal Services Center of Harvard Law School in Jamaica Plain.

CEP applications should be addressed to Brian Price and Carlos Teuscher and submitted via e-mail to cteuscher@law.harvard.edu and clinical@law.harvard.edu. Interested students are encouraged to apply as soon as possible, and applications will be accepted on a rolling basis. For any questions about CEP, contact Carlos directly.

If accepted, students will register for 4 or 5 clinical credits through the Transactional Law Clinics and 2 course credits for the associated clinical seminar. Continuing TLC students may take CEP for 3, 4 or 5 clinical credits and do not need to register in the associated clinical seminar.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Community Enterprise Project of the Transactional Law Clinics

Course #: 8048 **Term:** 2019SP **Faculty:** Price, Brian; Teuscher, Carlos **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Transactional Law Clinical Workshop (2 fall classroom credits). Once a student is accepted into this clinic, they will be enrolled in the required class component by the Office of Clinical and Pro Bono Programs. Additional Co-/Pre-Requisites: None. By Permission: Yes. Initial applications are due by TBD. Applications will be accepted on a rolling basis after this initial deadline. Please see below for more details about the application process. Add/Drop Deadline: Please note that students enrolled in CEP have an early drop deadline of August 3, 2018. LLM Students: LLM students may apply to CEP by submitting an application. Placement Site: HLS. The Community Enterprise Project is a by-application division of the Transactional Law Clinics in which students engage in both direct client representation and community economic development. In addition to representing clients located near the Legal Services Center at Harvard Law School on transactional matters, CEP students work in small groups to connect with community organizations, identify organizational and community legal needs, and develop comprehensive strategies to address those needs while gaining valuable, real-world transactional law experience in a community setting. To apply to CEP, please submit a statement of interest (no more than 200 words) and resume. In your cover email, please indicate whether you have a preference for taking CEP during the Fall semester, Spring semester, or either. Please note that CEP students must commit to spending at least half of their clinical hours on Wednesdays and/or Thursdays at the Legal Services Center of Harvard Law School in Jamaica Plain. CEP applications should be addressed to Brian Price and Carlos Teuscher and submitted via e-mail to cteuscher@law.harvard.edu and clinical@law.harvard.edu. Interested students are encouraged to apply as soon as possible, and applications will be accepted on a rolling basis after the initial deadline. If accepted, students will register for 4 or 5 clinical credits through the Transactional Law Clinics and 2 course credits for the associated clinical seminar. Continuing TLC students may take CEP for 3, 4, or 5 clinical credits and do not need to register in the associated clinical seminar.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Community Lawyering and Public Interest Law Through a Transactional Lens

Course #: 2220 **Term:** 2018FA **Faculty:** Teuscher, Carlos **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Fri 1:00 PM - 3:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This reading group will explore how transactional law can be used as a catalyst for social change and complement litigation and policy strategies to alleviate poverty and systemic injustices. As the litigation-centered approach to the social change movement became overburdened in the 1990s, many legal service providers moved away from litigation strategies to focus on community economic development (CED) as a means to redress economic inequality. Under this approach, CED lawyers work with grassroots organizers to support community ownership, affordable housing and other organizing-based initiatives.

Through the reading group, students will learn about the evolution of CED and discuss ways in which transactional law can be used to address economic justice. We will specifically explore the use of worker cooperatives, community land trusts and the solidarity economy movement as mechanisms to empower communities and sustainability.

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

Comparative Constitutional Law

Course #: 2028 **Term:** 2019SP **Faculty:** Lessig, Lawrence **Credits:** 4.00

Type: Elective **Subject Areas:** Constitutional Law & Civil Rights; 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: Prerequisites: None

Exam Type: In Class

This course will cover a series of topics arising in the comparative study of constitutional structure and law, with a focus on a comparison between mature and emerging regimes. The first category includes France, Germany, and the United States; the second includes Georgia, Hungary, South Africa, and Russia. It will take up questions of constitutional purpose, function, design, and doctrine, as well as the evolution of constitutional culture.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Comparative Digital Privacy

Course #: 2615 **Term:** 2019SP **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:

Prerequisites: None

Exam Type: No Exam

Digital privacy has become a major issue for Internet users, technology companies, online businesses, 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 and in the digital environment more broadly—targeting social networking sites, online advertising, data aggregators, IoT providers, 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 digital environment from a comparative perspective and put them into a broader context. 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 onto such a matrix. In addition to discussing theoretical frameworks and analyzing current developments in digital 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 potential solutions to the concerns and harms that are presented in the first section. In our analysis, we will survey and critique both legal and non-legal solutions. We will hope to answer questions like: which institutions are the most capable of enforcing user privacy? And how can we design our technologies so that privacy values are embedded into the construction of our technological tools? In asking these questions, we will create a valuable matrix and taxonomy for recommending solutions to potential privacy harms. Finally, in the third section, we will look at specific cases that reflect current trends in privacy law. For instance, we will apply our studies earlier in the seminar towards recent developments in the fields of Artificial Intelligence and Augmented Reality, as well as other instances of recent tensions between privacy and other values (autonomy, transparency, etc.).

To conclude the seminar, we will host a small symposium that compiles our progress from the seminar. Students will have the opportunity to recommend and invite panelists for the symposium. Further, you will be given the opportunity to prepare remarks for the panelists and play a leading role in the direction of the symposium.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Comparative Law: Ancient Law

Course #: 2472

Term: 2019SP

Faculty: Lanni, Adriaan

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

Course Description:

Prerequisites: None

Exam Type: In Class

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 3 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 to satisfy the law school writing requirement. Students looking to satisfy the law school writing requirement who do not want to write a research paper may write 2 additional short response papers (5 total) to satisfy half of Option 2 ("substantial course writing") of the writing requirement.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Comparative Law: Foundations of Western Legal Thought

Course #: 2031 **Term:** 2018FA **Faculty:** Glendon, Mary Ann **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

Course requirements include weekly memos, two papers, and an oral presentation.

This course begins with the shared foundations of the civil law (Romano-Germanic) and common law (Anglo-American) legal systems in Athens (Greek philosophy), Rome (Roman law), and Jerusalem (Judaean-Christian religion). It then explores the somewhat different ways in which those systems were influenced at crucial stages of their development by different branches of modern political thought. It concludes with works from the dawn of post-modernity and a final session on the amalgam of ancient and modern themes in the Universal Declaration of Human Rights. A principal aim is to encourage close reading of foundational works.

Complex Litigation: Legal Doctrines, Real World Practice

Course #: 2366 **Term:** 2018FA **Faculty:** Clary, Richard **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 9:50 AM - 11:50 AM

Course Description: Prerequisite: Civil Procedure or faculty permission to waive the prerequisite is required.

Exam Type: Any Day Take-Home

This course will study legal doctrines, litigation strategies (viewed from both the plaintiff and defendant perspectives) and current "best practices" relating to complex 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 in transferred cases; the impact of class actions on MDL proceedings; 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, but knowledge of substantive securities law is not required.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Computer Programming for Lawyers

Course #: 2951

Term: 2019WI

Faculty: Cushman, John

Credits: 3.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Course Description: Prerequisite: This course is limited to students with no prior programming experience.

Exam: No Exam

A final project will be required.

Modern legal practice requires deep understanding of technology. Advocates must understand what it means at a technical level to "speak" online, to "sign" a digital contract, to "search" a computer, or to "delete" evidence. And law firms must understand what tasks can be most efficiently done by custom software and what are best left to human beings.

This course teaches students to be effective computer programmers, and therefore to deconstruct and understand the technologies they might encounter throughout their careers. Students will learn basic computer programming skills using the programming language Python. We will then apply those skills to real-life legal scenarios drawn from the instructors own legal and programming experience, such as data-driven lobbying and statutory analysis, mass litigation automation, and electronic discovery.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Conceptions of Legal Entities

Course #: 2807

Term: 2019SP

Faculty: Kraakman, Reinier

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisites: There are no prerequisites for this course although some familiarity with corporate law is assumed.

Exam Type: No Exam Grading will be based on reaction memos and class participation.

This course explores disparate conceptions of legally entities in private law, with an emphasis on for-profit entities such as corporations. Readings range from law-and-economics constructions of legal entities to traditional jurisprudential views, including the identification of corporations as persons in constitutional law. The question throughout is: why should the law accord legal personality to for-profit firms? Ancient Roman law made little use of fictional legal entities in commercial law. What functions do legal entities serve in modern law? For example, do they simplify transactions, or facilitate raising capital for large enterprises by securitizing interests in ongoing businesses? Do they allow lawmakers to regulate collective actors that would otherwise live in the wild? Or do they do all of the above? In addition, how should we resolve the conceptual puzzles that legal entities pose? How can they be criminally liable if no real person among their agents has criminal intent? Lawyers sometimes say that corporations are fictions; management consultants sometimes depict them as unruly machines. The difference turns partly on definitions. But not entirely. How did the real entity theory enter American jurisprudence to compete with the venerable view that corporate personhood is a privilege conferred by the state, or its polar opposite, the view that the corporation is a species of private ordering, a nexus of contracts in one phrasing?

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Conflict of Laws

Course #: 2033

Term: 2018FA

Faculty: Glannon, Joseph

Credits: 3.00

Type: Elective

Subject Areas: Government Structure & Function; International, Comparative & Foreign Law;
Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Wed 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

Course Description: Prerequisite: None

Exam Type: In Class

The term conflict of laws refers to the problems courts face when a dispute has connections to two or more states or countries. In such cases, courts apply choice of law rules to determine which jurisdiction's substantive law to apply to the case. This course will introduce students to basic problems in conflict of laws, including traditional choice of law theory, modern approaches to choice of law, party autonomy in choosing the applicable law, constitutional constraints on choice of law, limitations issues, state/federal choice of law problems and full faith and credit to judgments.

Students with questions about the course may contact Professor Glannon at jglannon@suffolk.edu.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Constitutional Crises and Slow-Motion Meltdowns: The Trump Trajectory

Course #: 2030

Term: 2019SP

Faculty: Tribe, Laurence

Credits: 2.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights

Delivery Mode: Seminar

Days and Times:

Location

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisite: Enrollment will be limited to 12 and will be by permission of the instructor, based on written applications that include (1) the applicant's CV and unofficial list of courses and instructors, including those the applicant plans to take concurrently with this seminar in Spring 2019, and (2) a brief (no more than 1 or 2 double-spaced pages) statement of interest. No auditors will be allowed.

All applications must be submitted electronically to Kathy McGillicuddy (kmcgill@law.harvard.edu), with copies to Professor Tribe (tribe@law.harvard.edu) no later than 4 PM on a specific date. Only students who are prepared to make a firm commitment to enroll in the seminar in the event they are admitted should apply.

Exam Type: No Exam

In addition to attending and participating in every seminar meeting, each student will be responsible for writing two very short papers (5 double-spaced pages max for each paper) during the course of the seminar. The paper topics will be assigned a week before the papers are due. All papers will be due two days before the session in which they will be used to facilitate class discussion of the assigned materials.

Students who also write a substantial 1-credit paper in conjunction with the seminar on a topic to be approved by the instructor will receive 3 credits in all.

This seminar will explore what the Trump presidency might mean for American constitutional law and how we might expect the Constitution to constrain Trump's execution of his powers and duties.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Constitutional Crises and Slow-Motion Meltdowns: The Trump Trajectory

Course #: 2030

Term: 2018FA

Faculty: Tribe, Laurence

Credits: 2.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Disciplinary Perspectives & Law; Government Structure & Function; Legal & Political Theory; Legal History

Delivery Mode: Seminar

Days and Times:

Location

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisite: Enrollment will be limited to 12 and will be by permission of the instructor, based on written applications that include (1) the applicant's CV and unofficial list of courses and instructors, including those the applicant plans to take concurrently with this seminar and (2) a brief (no more than 1 or 2 double-spaced pages) statement of interest. No auditors will be allowed.

All applications must be submitted electronically to Kathy McGillicuddy (kmcgill@law.harvard.edu), with copies to Professor Tribe (tribe@law.harvard.edu) no later than 4 PM on a specific date. Only students who are prepared to make a firm commitment to enroll in the seminar in the event they are admitted should apply.

Exam Type: No Exam

In addition to attending and participating in every seminar meeting, each student will be responsible for writing two very short papers (5 double-spaced pages max for each paper) during the course of the seminar. The paper topics will be assigned a week before the papers are due. All papers will be due two days before the session in which they will be used to facilitate class discussion of the assigned materials.

Students who also write a substantial 1-credit paper in conjunction with the seminar on a topic to be approved by the instructor will receive 3 credits in all.

This seminar will explore what the Trump presidency might mean for American constitutional law and how we might expect the Constitution to constrain Trump's execution of his powers and duties.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Constitutional History II: From Reconstruction to the Civil Rights Movement

Course #: 2453 **Term:** 2019SP **Faculty:** Klarman, Michael **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:30 AM - 11:30 AM

Tue 10:30 AM - 11:30 AM

Wed 10:30 AM - 11:30 AM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

This course examines, from the perspective of social and political history, constitutional developments from the enactment of the post-Civil War constitutional amendments to the Supreme Court's decision in *Brown v. Board of Education* and its effect on the civil rights movement. The principal issues addressed include the enactment and early judicial interpretation of the 13th, 14th, and 15th amendments; the constitutional questions raised by segregation and disfranchisement during the Plessy era; economic regulation during the Lochner era; the birth of the modern first amendment during the interwar period; race issues during the interwar period; the constitutional crisis over the New Deal in the 1930s; first amendment issues raised during and after World War II; and, finally, the road to *Brown v. Board of Education* as well as an assessment of that decision's historical significance.

Constitutional Law: First Amendment

Course #: 2035 **Term:** 2019SP **Faculty:** Field, Martha **Credits:** 4.00

Type: Multisection **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: Prerequisites: None

Exam Type: In Class

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Constitutional Law: First Amendment

Course #: 2035

Term: 2018FA

Faculty: Fried, Charles

Credits: 4.00

Type: Multisection

Subject Areas: Constitutional Law & Civil Rights

Delivery Mode: Course

Days and Times:

Location

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

Course Description: Prerequisites: By Permission for LLM students only. JD students who have taken other courses covering some of this material should seek permission before enrolling.

Exam Type: In Class (closed book)

This course is one of the two basic courses in the field: it deals primarily with the First Amendment speech and the religion clauses. These will be related to the press, assembly and petitioning clauses. The relation of First Amendment doctrine to campaign finance, lobbying and commercial regulation will be considered.

The course will be taught through lectures and discussion, including cold calling. 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.

The textbook will be Sullivan and Feldman, Nineteenth Edition, supplemented by materials posted on the course website.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Constitutional Law: First Amendment

Course #: 2035

Term: 2018FA

Faculty: Parker, Richard

Credits: 4.00

Type: Multisection

Subject Areas: Constitutional Law & Civil Rights

Delivery Mode: Course

Days and Times:

Location

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

The course is one of the 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. Because constitutional law is always [at least potentially] in motion, this section will feature its development through time, animated and structured by momentous shifts in its political and social contexts. Beginning with religion, we'll go on, at greater length, to analyze speech issues through its prism. Analyzing the ebb and flow of doctrine and argument in the modern period since World War II will prepare us to speculate about possible developments that lie ahead now.

It will also compel us to confront an issue we face every day at HLS: the issue of orthodoxy in academia.

The aim of this class will be to enable you not only to understand constitutional law, but to better understand law in general, its relation to politics and [should you wish it] how to live a better life.

In class, there will be no cold calling. Instead, students will volunteer [by email] to join discussion of at least one specific case or problem at the outset of each week.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Constitutional Law: First Amendment

Course #: 2035 **Term:** 2019SP **Faculty:** Feldman, Noah **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

Course Description: Prerequisites: None. Students who have previously taken Religion and the First Amendment may not take this course.
Exam Type: Any-day take-home
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.

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

Course #: 2036 **Term:** 2019SP **Faculty:** Feldman, Noah **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

Course Description: Prerequisites: None
Exam Type: Any-Day Take-Home
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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

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

Course #: 2036 **Term:** 2018FA **Faculty:** Brown-Nagin, Tomiko **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

Course Description: Prerequisites: None

Exam Type: In Class

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.

Laptops not permitted in class.

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

Course #: 2036 **Term:** 2018FA **Faculty:** Minow, Martha **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

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

Course #: 2036

Term: 2019SP

Faculty: Parker, Richard

Credits: 4.00

Type: Multisection

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

Delivery Mode: Course

Days and Times:

Location

Wed 1:20 PM - 2:40 PM

Thu 1:20 PM - 2:40 PM

Fri 1:20 PM - 2:40 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

The course is one of the basic courses in the field. It focuses primarily on Equal Protection and Due Process -- and very secondarily on Federalism and Separation of Powers. Because constitutional law is always [at least potentially] in motion, this section will feature its development through time, animated and structured by momentous shifts in its political and social contexts. We'll analyze the ebb and flow of doctrine and argument, concentrating on the modern period beginning with *Brown v. Board of Education*. Understanding all of that will prepare us to speculate about possible developments that lie ahead now.

The aim of this class will be to enable you not only to understand constitutional law, but to better understand law in general, its relation to politics and [should you wish it] how to live a better life.

In class, there will be no cold calling. Instead, students will volunteer [by email] to join discussion of at least one specific case or problem at the outset of each week.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

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

Course #: 2036 **Term:** 2018FA **Faculty:** Suk Gersen, Jeannie **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

Course Description: Prerequisite: None

Exam: Any Day Take Home Course requirements include class participation, multiple short pieces of writing, and an exam.

This course is 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.

Laptops and other electronic devices cannot be used in class.

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

Course #: 2036 **Term:** 2018FA **Faculty:** Lessig, Lawrence **Credits:** 4.00

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

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: Prerequisite: None

Exam Type: In Class

There will be a final exam, as well as one additional short research assignment given during the term. Class participation will be considered in determining the final grade.

In this class, we will develop a sense of the law and history of these core elements of American constitutional law — separation of powers, federalism and the 14th Amendment — as well as a conception of constitutional interpretation over time.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Contemporary Issues in Constitutional Law

Course #: 2897

Term: 2018FA

Faculty: Liu, Goodwin

Credits: 2.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights

Delivery Mode: Seminar

Days and Times:

Location

Wed 5:00 PM - 8:00 PM

Thu 5:00 PM - 8:00 PM

Tue 5:00 PM - 8:00 PM

Mon 5:00 PM - 8:00 PM

Course Description: Prerequisites: For JD students, Constitutional Law: Separation of Powers, Constitutional Law: First Amendment, or Separation of Powers. For LLM students, enrollment is by permission of the instructor.

Exam Type: No Exam

This is an advanced constitutional law seminar for students who have already taken the introductory Constitutional Law course. The seminar will provide an opportunity for in-depth discussion of competing theories of constitutional interpretation, the role of the Supreme Court in our political system, and analysis of the judicial process. Each week, these themes will be examined through the lens of a current "hot topic" in constitutional law -- for example, partisan gerrymandering, union dues and free speech, the Second Amendment, electronic surveillance, voting rights, campaign finance, immigration, same-sex marriage, and other topics.

This is not a "spectator" class; all students will be expected to participate actively in class discussion each week. This is a good seminar for students interested in clerking or pursuing academia.

Note: This seminar will take place over two weeks only, from September 10, 2018, to September 20, 2018.

Drop Deadline: September 11 by 11:59pm EST in HELIOS

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Controversies in Reproductive Justice

Course #: 2540 **Term:** 2019SP **Faculty:** Halley, Janet **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam: No Exam

Few issues are as polarizing as the legal regulation of reproduction and reproduction-related sexual conduct. As a result, most people are "on a side" (though perhaps only part-way) and spend little time studying the views of people on "the other side" except when they are pre-set to refute them. This seminar is designed to provide time to engage in such study while giving pause to that pre-set stance. It welcomes students from all sides, including those who are puzzled, ambivalent, and undecided. We will read arguments pro and con on a series of contested issues. Students will be asked not to evaluate or refute arguments, but simply to understand them. In class, they will be asked to "channel" the readings rather than to criticize them. They will write reflection papers on a series of set topics; their task in these papers will be to analyze the structure of an elaborated controversy or of a single strong legal or normative argument, without moving to the normative level and without distorting arguments they oppose. The goal is not to preclude normative engagement but to postpone it during the activities of this course, to make way for deep descriptive reading and analysis over a special period of twelve weeks. The hope is that, though this undertaking is sure to be uncomfortable for everyone (including the professor) it will ultimately be productive, including normatively, for each of us.

Possible topics will include abortion (the right to choose; fetal personhood; informed consent; reason-based bans; fetal pain; "crisis pregnancy centers"); analogies normatively linking abortion to end-of-life care; contraception; the constitutionalization of abortion and contraception; special rules applied to minors; access to abortion and contraception; special rules applied to minors; sexual activity; sex education; HIV-transmission rules; race and reproduction; and the responsibilities of pregnant women and civil society to the unborn.

No prior knowledge of the issues studied in this course is assumed. LLMs are encouraged to enroll.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Copyright

Course #: 2042 **Term:** 2019SP **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: **Location**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

Course Description: Prerequisites: None
Exam Type: In Class
This course will explore copyright law and policy. Approximately two thirds of the class time and readings will be devoted to the American copyright system; the remainder will be devoted to the major relevant multilateral treaties and to the laws pertaining to copyright and "neighboring rights" in other countries. Substantial attention will be paid to the efforts by philosophers and economists to justify, reform, or abolish the copyright system. Additional information concerning the unusual structure of the course is available at <http://copyx.org/courses/harvard-law-school/>.

Copyright and Trademark Litigation

Course #: 2043 **Term:** 2018FA **Faculty:** Cendali, Dale **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:00 PM - 3:00 PM

Course Description: Prerequisite: None

Exam Type: In Class

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Corporate Governance: The Short-Termism Problem

Course #: 2988 **Term:** 2018FA **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**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: Corporations or permission of the instructor.

Exam Type: No Exam

In this course, students will examine writings on the problem of corporate short-termism, its consequences and sources and what policy measures are appropriate.

Corporate Reorganization

Course #: 2047 **Term:** 2019SP **Faculty:** Bienenstock, Martin **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Grades are determined by 10-page papers on approved topics. Some students may earn two credits by writing more extensive papers.

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 and impacts out-of-court resolutions. 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.

Note: This is a one-credit course that meets for 7 two-hour sessions on the following dates: TBD

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Corporate Tax B: Mergers, Acquisitions and Divisions

Course #: 2788

Term: 2018FA

Faculty: Abrams, Howard

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance; Taxation

Delivery Mode: Course

Days and Times:

Location

Mon 10:30 AM - 11:30 AM

Tue 10:30 AM - 11:30 AM

Course Description: Prerequisite: This course is open to JD 3Ls who have completed Corporate Tax A previously.

Exam Type: In Class

This course will cover both taxable and tax-free reorganizations of corporations including stock and asset acquisitive reorganizations as well as divisive and one-party reorganizations. Time permitting, we also will cover tax attribute carryovers and limitations.

The text for the course is Doernberg, Abrams & Leatherman, Federal Income Taxation of Corporations and Partnerships (5th ed. 2014).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Corporations

Course #: 2048 **Term:** 2018FA **Faculty:** Spamann, Holger **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

Course Description: Prerequisites: There is no formal prerequisite for the course. Students without a basic familiarity - not necessarily expertise -- with rudimentary accounting and finance concepts, including the time value of money, expected value, diversification, and the overall content and purpose of basic financial accounting statements, are encouraged to take Analytical Methods for Lawyers, or equivalent courses, whether at HLS, elsewhere at HU, or online, preferably before the semester you are enrolled in Corporations.

Exam: In Class

In addition to the final exam, there will be several quizzes throughout the semester.

This course surveys the legal rules governing corporations with an emphasis on the protection of shareholders in large public corporations against management and controlling shareholders. Topics include asset partitioning, governance (shareholder voting, fiduciary duties, derivative suits, executive compensation), M&A, securities trading, corporate finance, protections of creditors and other constituencies, and choice of law. One quarter of the course will be based on problems drawn from transactional settings. The course emphasizes financial and strategic considerations throughout.

Materials and transactional problems distributed in class.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Corporations

Course #: 2048 **Term:** 2018FA **Faculty:** Kraakman, Reinier **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

Mon 3:20 PM - 4:40 PM

Course Description: Prerequisites: There is no formal prerequisite for the course. Students without a basic familiarity - not necessarily expertise -- with rudimentary accounting and finance concepts, including the time value of money, expected value, diversification, and the overall content and purpose of basic financial accounting statements, are encouraged to take Analytical Methods for Lawyers, or equivalent courses, whether at HLS, elsewhere at HU, or online, preferably before the same semester you are enrolled in Corporations.

Exam Type: In Class

This course surveys the role of legal structure and legal controls on business enterprises with an emphasis on Delaware law and the duties of the managers, directors, and controlling shareholders of public corporations. It reviews the law of agency, which is fundamental to all legal entities. It addresses non-corporate business entities to highlight their continuities with--and differences from-- business corporations. Corporate topics include limited liability, fiduciary law, shareholder voting, executive compensation, derivative suits, control transactions, mergers and acquisitions, and insider trading. This course also surveys topics in securities law that are closely related to corporate governance: in particular, the SEC's proxy and tender offer rules and the reach of anti-fraud liability. One theme throughout the course is corporate law's role in empowering actors with a flexible legal form, another is the law's role in constraining insider opportunism, and a third is the judiciary's pivotal role in balancing flexibility against constraint.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Corporations

Course #: 2048

Term: 2019SP

Faculty: Coates, John

Credits: 4.00

Type: Multisection

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

Course Description: Prerequisites: There is no formal prerequisite for the course. Students without a basic familiarity - not necessarily expertise -- with rudimentary accounting and finance concepts, including the time value of money, expected value, diversification, and the overall content and purpose of basic financial accounting statements, are encouraged to take Analytical Methods for Lawyers, or equivalent courses, whether at HLS, elsewhere at HU, or online, preferably before the semester you are enrolled in Corporations.

Exam Type: In Class

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 ungraded quizzes. This course is open to 1Ls, as an elective.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Corporations

Course #: 2048 **Term:** 2018FA **Faculty:** Fried, Jesse **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

Course Description: Prerequisites: There is no formal prerequisite for the course. Students without a basic familiarity - not necessarily expertise -- with rudimentary accounting and finance concepts, including the time value of money, expected value, diversification, and the overall content and purpose of basic financial accounting statements, are encouraged to take Analytical Methods for Lawyers, or equivalent courses, whether at HLS, elsewhere at HU, or online, preferably before the semester you are enrolled in Corporations.

Exam Type: In Class

This course introduces students to the legal rules for protecting creditors and shareholders of a corporation. Simple economic analysis is used to explain the need for, and the limitations of, these rules. Topics include limited liability, veil piercing, equitable subordination, fraudulent conveyances, leveraged buyouts, the duties of care and loyalty, shareholder voting, derivative suits, control transactions, and insider trading.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Corporations

Course #: 2048 **Term:** 2019SP **Faculty:** Clark, Robert **Credits:** 4.00

Type: Multisection **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: Prerequisite: There is no formal prerequisite for the course. Students without a basic familiarity - not necessarily expertise -- with rudimentary accounting and finance concepts, including the time value of money, expected value, diversification, and the overall content and purpose of basic financial accounting statements, are encouraged to take Analytical Methods for Lawyers, or equivalent courses, whether at HLS, elsewhere at HU, or online, preferably before the semester you are enrolled in Corporations.

Exam Type: In Class

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.

In order to prevent scheduling conflicts and to eliminate any need to cancel and then reschedule classes, class meetings will be scheduled until 11:55am. Not all of the slots in the course block will be used and students will know upfront the days on which classes will meet. This schedule ensures that the course is meeting for enough total class minutes to satisfy the ABA requirements.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Corporations

Course #: 2048 **Term:** 2018FA **Faculty:** Ramseyer, J. Mark **Credits:** 4.00

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

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: Prerequisite: There is no formal prerequisite for the course. Students without a basic familiarity - not necessarily expertise -- with rudimentary accounting and finance concepts, including the time value of money, expected value, diversification, and the overall content and purpose of basic financial accounting statements, are encouraged to take Analytical Methods for Lawyers, or equivalent courses, whether at HLS, elsewhere at HU, or online, preferably before the semester you are enrolled in Corporations.

Exam Type: In-Class

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, insider trading, shareholder voting, reorganizations, and control transactions. The emphasis throughout is on the functional analysis of legal rules as one set of constraints on corporate behavior among others.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Corporations from a Comparative Perspective

Course #: 2714 **Term:** 2018FA **Faculty:** Kraakman, Reinier **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisites: Any one of the following: a prior course in corporate law, a parallel corporations course at HLS, or prior experience in matters relating to corporate governance or finance.

Exam Type: No Exam

Grading will be based on reaction memos and class participation.

This course surveys broad issues in corporate governance by highlighting jurisdictional differences and contrasting the corporation with alternative legal entities. Course materials will address issues associated with controlling shareholders and autonomous managers; the identity of dominant owners (e.g., institutional investors, family dynasties, and the state); dominant sources of finance (e.g., banks vs. markets); the public institutions that shape corporate law; the internal governance of business entities (e.g., board structure); and the influence of external actors such as activist shareholders and proxy advisors. An overarching theme in the course lies in identifying connections among particular constellations of issues—for example, the associations between bank financing and state ownership, institutional shareholders and shareholder activism, or specialized courts and fiduciary duties. Class materials will draw from law and finance papers, press reports, and primary legal materials.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Counseling and Legal Strategy in the Digital Age

Course #: 2653

Term: 2018FA

Faculty: Bavitz, Christopher

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Criminal Justice Institute: Criminal Defense Clinic

Course #: 8002 **Term:** 2018FW **Faculty:** Umunna, Dehlia **Credits:** 5.00

Type: Clinic **Subject Areas:** Criminal Law & Procedure; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Open to 3Ls only

Required Class Component: Criminal Justice Institute: Defense Theory and Practice (3 fall classroom credits + 1 winter classroom 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. Failure to meet the pre/co-requisites by the clinics add/drop deadline will result in the student being dropped from this clinic and class.

By Permission: No.

Add/Drop Deadline: August 28, 2018.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

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

Placement Site: HLS.

Mandatory Meetings: All students enrolled in the clinic (Fall-Winter and Winter-Spring) must attend mandatory orientation sessions (times indicated below) on Wednesday, September 26, Thursday, September 27 AND Friday, September 28, 2018. 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. 24) or Tuesday (Sept. 25). 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 24 - September 28, 2018. 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. 24) or Tuesday (Sept. 25) from 8:45 AM - 3:00 PM. Additionally, all students must attend the mandatory orientation sessions on

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Wednesday (Sept. 26) from 2:00 PM - 6:00 PM, Thursday (Sept. 27) from 2:00 PM - 5:00 PM, as well as on Friday (Sept. 28) from 9:00 AM - 2:00 PM. Starting this first week and throughout the Fall, class will meet on Tuesdays and Thursdays from 5:00 PM - 7:00 PM. During the Winter, class will meet on Wednesdays and Thursdays from 12:00 PM - 2:00 PM. There will be a mandatory orientation session on Thursday, January 3, 2019, for students enrolled in the Winter/Spring clinic. 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 submit a reflection paper in mid-January. Those enrolled in the winter-spring clinic will be submitting their paper the first week of May.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Criminal Justice Institute: Criminal Defense Clinic

Course #: 8002 **Term:** 2019WS **Faculty:** Umunna, Dehlia **Credits:** 6.00

Type: Clinic **Subject Areas:** Criminal Law & Procedure; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Open to 3Ls only

Required Class Component: Criminal Justice Institute: Defense Theory and Practice (3 fall classroom credits + 1 winter classroom 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. Failure to meet the pre/co-requisites by the clinics add/drop deadline will result in the student being dropped from this clinic and class.

By Permission: No.

Add/Drop Deadline: Please note this clinic has an early drop deadline of August 28, 2018.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

Multi-Semester: This is a winter-spring clinic (1 winter clinical credit + 5 spring clinical credits).

Placement Site: HLS.

Mandatory Meetings: All students enrolled in the clinic (Fall-Winter and Winter-Spring) must attend mandatory orientation sessions (times indicated below) on Wednesday, September 26, Thursday, September 27 AND Friday, September 28, 2018. 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. 24) or Tuesday (Sept. 25). 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 24 - September 28, 2018. 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. 24) or Tuesday (Sept. 25) from 8:45 AM - 3:00 PM. Additionally, all students must attend the mandatory orientation sessions on

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Wednesday (Sept. 26) from 2:00 PM - 6:00 PM, Thursday (Sept. 27) from 2:00 PM - 5:00 PM, as well as on Friday (Sept. 28) from 9:00 AM - 2:00 PM. Starting this first week and throughout the Fall, class will meet on Tuesdays and Thursdays from 5:00 PM - 7:00 PM. During the Winter, class will meet on Wednesdays and Thursdays from 12:00 PM - 2:00 PM. There will be a mandatory orientation session on Thursday, January 3, 2019, for students enrolled in the Winter/Spring clinic. 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 submit a reflection paper in mid-January. Those enrolled in the winter-spring clinic will be submitting paper the first week of May.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Criminal Justice Institute: Defense Theory and Practice

Course #: 2261 **Term:** 2018FW **Faculty:** Umunna, Dehlia **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Thu 5:00 PM - 7:00 PM

Wed 12:00 PM - 2:00 PM

Thu 12:00 PM - 2:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.

Students who enroll in this course may count the credits towards the JD experiential learning requirement. Open to 3Ls only Required Clinic Component: Criminal Justice Institute: Criminal Defense Clinic, either fall-winter (4 fall clinical credits + 1 winter clinical credit) or winter-spring (1 winter clinical credit + 5 spring clinical 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 clinics add/drop deadline will result in the student being dropped from this clinic and class. Note: Students participating in CJ during the 2018-2019 year (fall-winter and winter-spring students) who have not yet taken TAW must take the fall 2018 TAW. Students cannot take the winter 2019 TAW concurrently with CJ. By Permission: No. Add/Drop Deadline: August 28, 2018. LLM Students: LLM students interested in this clinic should be in contact with the clinic directly. Multi-Semester: This is a fall-winter course (3 fall classroom credits + 1 winter classroom credit). Mandatory Meetings: All students enrolled in the clinic (Fall-Winter and Winter-Spring) must attend mandatory orientation sessions (times indicated below) on Wednesday, September 26, Thursday, September 27 AND Friday, September 28, 2018. 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. 24) or Tuesday (Sept. 25). 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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

essential lawyering skills in criminal practice. The clinic and class will start the week after Fall TAW, September 24 - September 28, 2018. 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. 24) or Tuesday (Sept. 25) from 8:45 AM - 3:00 PM. Additionally, all students must attend the mandatory orientation sessions on Wednesday (Sept. 26) from 2:00 PM - 6:00 PM, Thursday (Sept. 27) from 2:00 PM - 5:00 PM, as well as on Friday (Sept. 28) from 9:00 AM - 2:00 PM. Starting this first week and throughout the Fall, class will meet on Tuesdays and Thursdays from 5:00 PM - 7:00 PM. During the Winter, class will meet on Wednesdays and Thursdays from 12:00 PM - 2:00 PM. There will be a mandatory orientation session on Thursday, January 3, 2019, for students enrolled in the Winter/Spring clinic. 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 submit a reflection paper in mid-January. Those enrolled in the winter-spring clinic will be submitting their paper the first week of May. This course satisfies the professional responsibility requirement.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Criminal Justice Policy Program

Course #: 2801 **Term:** 2018FS **Faculty:** Steiker, Carol; Whiting, Alex **Credits:** 2.00

Type: Elective **Subject Areas:** Criminal Law & Procedure

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisite: The seminar is by permission of the instructors. To apply, students should submit a brief statement of their interest and relevant background (courses, internships, and work/life experience) in criminal justice issues to aweick@law.harvard.edu.

Exam Type: No Exam

This full-year seminar immerses students in the work of criminal justice policy reform. The centerpiece of the seminar is sustained, substantive work on criminal justice policy initiatives led by the Criminal Justice Policy Program (CJPP), a research and advocacy center based at HLS. Students work on policy projects geared toward real-world reform under the supervision of the Program's Executive Director (Brook Hopkins) and faculty Co-Directors (Professors Carol Steiker & Alex Whiting), typically in partnership with outside organizations and government agencies.

Prior CJPP policy initiatives that seminar students have worked on focused on the criminalization of poverty, body cameras and other transformative policy technologies, the evolving role of the prosecutor as an agent of progressive criminal justice policy, and the use of potentially faulty forensic science evidence in criminal cases. In addition to the policy projects, the seminar engages students in an ongoing discussion of modes and strategies for achieving criminal justice reform as well as fundamental normative questions about the operation of the criminal justice system, including its interaction with questions of social and racial justice.

The seminar hosts prominent practitioners and policymakers as visiting lecturers to discuss strategies for reform and to provide background and guidance on the seminars policy projects. Students are invited to all of the public events sponsored by CJPP and may be involved in choosing topics and planning such events.

Although there is no final exam or final paper, students will be expected to do substantial writing over the course of the seminar and to present their policy reform projects to the other seminar participants.

Note: This seminar will meet every other week over the entire year.

The credit breakdown for this seminar is as follows: 4 credits total with 1 classroom credit and 1 writing credit being awarded per term.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Criminal Justice Workshop

Course #: 2314 **Term:** 2019SP **Faculty:** Lanni, Adriaan; Crespo, Andrew **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisites: Enrollment by written application to the professors; limited to 20. JD and LLM applicants should submit a short (not more than a page) statement of interest to Professor Lanni's assistant, jminnich@law.harvard.edu by October 11th.

Exam: No Exam

This seminar is geared toward students interested in reading and discussing legal scholarship on issues related to criminal justice and will be especially useful to students interested in pursuing careers in legal academia in the broad field(s) of criminal justice. Weekly seminars will alternate between discussion based on assigned readings and workshops in which criminal justice scholars of varying methodologies will be invited by the professors to present their work to the seminar for discussion (and other members of the community will be invited to attend, as well). Students will be expected to write short weekly response papers.

Criminal Procedure: Adjudication

Course #: 2049 **Term:** 2018FA **Faculty:** Lanni, Adriaan **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

Course Description: Prerequisite: None

Exam Type: In Class

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Criminal Procedure: Investigations

Course #: 2050 **Term:** 2019SP **Faculty:** Crespo, Andrew **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

Course Description: Prerequisites: None
Exam Type: In Class
This course examines the relationship between the people and the police, primarily by examining the constitutional doctrines of the Fourth and Fifth Amendments that regulate law enforcement behavior. Topics will include custodial interrogation, search and seizure, stop and frisk, electronic surveillance, probable cause, warrants and their exceptions, excessive force, and exclusionary remedies. In addition to doctrinal examination, the course will also explore some of the challenging policy questions associated with contemporary policing, as it exists and is carried out in Americas cities.

Criminal Procedure: Investigations

Course #: 2050 **Term:** 2018FA **Faculty:** Gordon-Reed, Annette **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Course Description: Prerequisites: None

Exam: In Class

This course will examine the operation of the Fourth, Fifth, and to a lesser extent, the Sixth Amendments to the U.S. Constitution. We will discuss, among other topics, warrants, search and seizure, the exclusionary rule, and the right against self incrimination.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Crimmigration Clinic

Course #: 8043 **Term:** 2019SP **Faculty:** Torrey, Philip **Credits:** 3.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Crimmigration: The Intersection of Criminal Law and Immigration Law (2 fall classroom credits).

Additional Co-/Pre-Requisites: Please see the above pre-requisite course requirement.

By Permission: Yes - applications are due December 21, 2018.

Add/Drop Deadline: January 11, 2019.

LLM Students: LLM students who have satisfied the required class component may apply to this clinic by submitting an application.

Placement Site: HLS.

In the Crimmigration Clinic students work on cutting-edge issues regarding the intersection of criminal law and immigration law. The content of the clinical projects will depend on the legal landscape and political climate at the time of clinical enrollment. In the past, students have worked on federal litigation concerning criminal bars to immigration relief, detention, and the crime-based grounds of removal. Students have also developed practice guidance for public defender offices around the country, and engaged in legislative advocacy on issues related to sanctuary policies. Clinical students will also work with the Harvard Criminal Justice Institute to provide advice to their case teams about the immigration consequences of potential criminal convictions.

Clinical work will largely be performed at HLS, under the supervision of Lecturer on Law and HIRC Managing Attorney Phil Torrey. On litigation and policy matters, the Clinic will collaborate with non-profit organizations, such as the 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 (applications are due to Phil Torrey - ptorrey@law.harvard.edu - by December 21, 2018). The fall 2018 course, Crimmigration: The Intersection of Criminal Law and Immigration Law is a prerequisite for enrollment in the Crimmigration Clinic. Students enrolled in the pre-requisite fall course will receive more information about the application process. The Office of Clinical and Pro Bono Programs will enroll students in the clinic once they have been accepted.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Crimmigration: The Intersection of Criminal Law and Immigration Law

Course #: 2597 **Term:** 2018FA **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: **Location**

Course Description: Prerequisite: None

Exam Type: In Class

The intersection of criminal law and immigration law is a growing field of law that is at the forefront of today's immigration debate. As immigration laws have become more "criminalized" and criminal laws have become more "immigrationized" it is increasingly important for immigration attorneys and criminal law attorneys alike to understand the immigration consequences of criminal convictions and the myriad ways in which these two areas of law intersect. The goal of this course is to give students the skills to recognize and examine immigration consequences of criminal convictions and to analyze how those laws have developed in light of historical trends related to immigration detention, border security, race, poverty, and national security.

This course is a prerequisite for the Crimmigration Clinic (by application) offered in the Spring 2019 semester. Students who enroll in this class during fall 2018 will be eligible to apply for the spring Crimmigration Clinic (applications to the clinic are due to Phil Torrey - ptorrey@law.harvard.edu - by December 21, 2018).

Critical Race Theory

Course #: 2279 **Term:** 2019SP **Faculty:** Mack, Kenneth **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Cross Border M&A: Drafting, Negotiation & the Auction Process

Course #: 2933

Term: 2019SP

Faculty: Presser, Mitchell

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Thu 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Prerequisite: Corporations. For LLM students with applicable experience or courses, permission of the instructor to waive the requisite is required.

Exam Type: No Exam

In today's economy, transactions are becoming increasingly global in nature, often crossing more than one border and implicating the laws and market practices of more than one jurisdiction. Cross-border transactions present unique challenges from both the seller's and buyer's perspective that require an in-depth understanding and appreciation of the key practical and theoretical issues they present. This course will familiarize students with these types of transactions and the unique challenges they present in order to aid them in their transition into the practice of modern-day corporate counsel.

This semester-long course will be divided into three segments. The first segment will consist of four sessions structured as interactive lectures focused on the fundamentals of cross-border M&A transactions, the unique cultural and state challenges they present, basic finance and the basics of an organized sales process. The second segment will consist of five sessions in which students will participate as parties to a transaction and engage in a simulated auction process for the sale of a business division of an international company with a diverse pool of potential buyers. Student groups will negotiate the material aspects of the transaction and mark-up an auction draft purchase agreement. The third segment will consist of three classes where each of the student teams will be asked to present their final proposals to a simulated board of directors by providing their board with an overview of the final purchase agreement, key terms of the transaction, and an explanation of the risks and benefits associated with the negotiated terms.

This course is designed for students interested in transactional work and those with a desire to understand the real-world implications of today's global economy.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Current Issues in Corporate Governance

Course #: 2053

Term: 2018FA

Faculty: Fried, Jesse

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Seminar

Days and Times:

Location

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisites: Admission to this seminar is by permission of the instructor. Students should send a CV and brief statement of their background and interest in corporate governance (including undergraduate major, relevant pre-HLS work experience, and courses taken in law school) to Professor Fried (jfried@law.harvard.edu) and his assistant Sam Learner (slearner@law.harvard.edu). Applications should be sent after May 1st, and decisions will be made on a rolling basis.

Exam Type: No Exam

This seminar focuses on current topics in the corporate governance of the widely-held U.S. firms. Most of the sessions will feature leading attorneys and other distinguished practitioners discussing cases, transactions, and current policy issues in corporate governance.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Cyber Criminal Law and Procedure

Course #: 2986

Term: 2018FA

Faculty: Berman, Seth

Credits: 2.00

Type: Elective

Subject Areas: Criminal Law & Procedure; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

Delivery Mode: Course

Days and Times:

Location

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

The Internet has changed the world of business, commerce, communication, and also crime. The borderless nature of the Internet has complicated the investigation and enforcement of cybercrime. Each day brings news of a new cyberattack on a company, a government entity, and even, perhaps, on the very foundations of our democracy. Meanwhile, new technologies seem to create new ways of committing crimes almost as rapidly as they create new legitimate business opportunities. Neither law enforcement nor businesses have a good idea how to respond.

Substantive criminal law and criminal procedure are straining to catch up with this rapidly evolving criminal landscape. The ability of criminals to operate nearly anonymously and across multiple jurisdictions creates new challenges for judges, prosecutors, defense attorneys, and crime victims. At the same time, new cyber tools and techniques are coming into play that might be used to track cyber criminals, but the constitutionality and privacy implications of these tools are subject to question. This course will explore, among other questions: In what ways does the cross border nature of cybercrime impact legal practice? What are the unique legal barriers to prosecuting cybercrime? What constitutional protections attach to people or data abroad? What international issues arise from the different legal and cultural approaches to privacy and security in different jurisdiction?

In addition to examining the case law and statutory framework, the class will include case studies drawn from my experience as a US federal prosecutor and as an international data breach investigator and lawyer as well as from recent public examples to teach practice and policy in the area.

This course will be of interest to future prosecutors, defense lawyers and criminal justice policymakers.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Cyberlaw Clinic

Course #: 8004 **Term:** 2018FA **Faculty:** Bavitz, Christopher **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Cyberlaw Clinical Seminar (2 fall classroom 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: August 28, 2018. 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 Clinics 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>.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Cyberlaw Clinic

Course #: 8004

Term: 2019SP

Faculty: Bavitz, Christopher

Credits: 5.00

Type: Clinic

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

Delivery Mode: Clinic

Days and Times:

Location

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Cyberlaw Clinical Seminar (2 spring classroom 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 11, 2019. 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 Clinics 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>.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Cyberlaw Clinic Seminar

Course #: 2674 **Term:** 2018FA **Faculty:** Bavitz, Christopher **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:00 PM - 3:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Cyberlaw Clinic (3-5 fall clinical 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: August 28, 2018. 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 clinics course description for more information.

Cyberlaw Clinic Seminar

Course #: 2674 **Term:** 2019SP **Faculty:** Bavitz, Christopher **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:00 PM - 3:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Cyberlaw Clinic (3-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course. Additional Co-/Pre-Requisites: Simultaneous enrollment between Clinic and Clinic Seminar. By Permission: No. Add/Drop Deadline: January 11, 2019. 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 clinics course description for more information.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Deals

Course #: 2445 **Term:** 2019SP **Faculty:** Subramanian, Guhan **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:15 PM - 3:15 PM

Tue 1:15 PM - 3:15 PM

Wed 1:15 PM - 3:15 PM

Course Description: Prerequisite: For JD students, you must have completed Corporations prior to enrolling in this course, and you must have completed or be concurrently enrolled in the Negotiation Workshop. For JD students unable to take Negotiation, contact Dami Seung (dseung@law.harvard.edu) to inquire about waiving that prerequisite.

For LLM students, Corporations or its equivalent is a prerequisite, and the Negotiation Workshop is highly recommended.

Exam Type: No Exam

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

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.

The class will be comprised of approximately an equal number of students from HBS and HLS, and class sessions will take place approximately evenly between the two schools.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Delivery of Legal Services Clinic

Course #: 8037 **Term:** 2018FA **Faculty:** Charn, Jeanne **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges (3 fall classroom credits). 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. Students who drop this clinic will also lose their seat in the required class component.
Additional Co-/PreRequisites: None.
By Permission: No.
Add/Drop Deadline: August 28, 2018.
LLM Students: LLM students may apply to this clinic by submitting an application.
Placement Site: Greater Boston Legal Services (GBLS).
This clinic offers students the opportunity to work with Greater Boston Legal Services (GBLS) in downtown Boston. Placements are coordinated through the Office of Clinical and Pro Bono Programs. Placements: Students who enroll in this clinic will be contacted by the Office of Clinical and Pro Bono Programs to begin the placement process. This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic and the possible placements (clinical@law.harvard.edu or 617-495-5202).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Delivery of Legal Services Clinic

Course #: 8037

Term: 2019SP

Faculty: Charn, Jeanne

Credits: 5.00

Type: Clinic

Subject Areas: Procedure & Practice

Delivery Mode: Clinic

Days and Times:

Location

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges (3 spring classroom credits). 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. Students who drop this clinic will also lose their seat in the required class component.

Additional Co-/PreRequisites: None.

By Permission: No.

Add/Drop Deadline: January 11, 2019.

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

Placement Site: Greater Boston Legal Services (GBLS).

This clinic offers students the opportunity to work with Greater Boston Legal Services (GBLS) in downtown Boston. Placements are coordinated through the Office of Clinical and Pro Bono Programs.

Placements: Students who enroll in this clinic will be contacted by the Office of Clinical and Pro Bono Programs to begin the placement process. This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic and the possible placements (clinical@law.harvard.edu or 617-495-5202).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Democracy and the Rule of Law Clinic

Course #: 8049 **Term:** 2018FA **Faculty:** Florence, Justin; Schwartztol, Larry **Credits:** 5.00

Type: Clinic **Subject Areas:** Not Applicable

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Legal Tools for Protecting Democracy and the Rule of Law in America (2 fall classroom credits). The 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: August 28, 2018.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

Placement Site: Students will participate in an externship with The Protect Democracy Project, a nonpartisan nonprofit founded by former White House and Department of Justice attorneys and dedicated to holding the President and the Executive Branch accountable to the laws and longstanding practices that have protected our democracy through both Democratic and Republican Administrations. Most clinical work will be done remotely, although there may be opportunities for travel to Washington, D.C.

Students in the Democracy and the Rule of Law Clinic will work with The Protect Democracy Project ("Protect Democracy") to safeguard the key features of a democratic society through litigation and other means. The Clinic will focus on issues such as ensuring the impartial application of the rule of law; safeguarding healthy civic institutions that allow for public participation in political debate; prohibiting official corruption; and challenging government if it targets certain people or groups in our society.

Specific topics and projects will be determined by enrolled students in conjunction with the clinic leaders and other attorneys at Protect Democracy. Students will be divided into small teams, and each team will help to develop and manage at least one (and, more likely, several) projects. Some examples of such projects include:

Developing litigation memoranda setting forth proposed legal theories and possible causes of action, and assessing approaches to overcome justiciability barriers.

Identifying potential plaintiffs for litigation and selecting optimal jurisdictions.

Drafting complaints, preliminary injunction motions, dispositive motions and other briefs.

Assisting with discovery, including document requests and deposition planning.

Assisting with appellate briefing.

Drafting amicus briefs, white papers, op-eds, blog posts, and letters or memoranda to government officials.

Participating in moot courts and assisting counsel with preparation for oral arguments.

Developing and submitting FOIA requests, including identifying recipients and shaping requests in a

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

manner likely to lead to useful information.

Handling administrative FOIA appeals and follow-up with agency FOIA officers.

Drafting letters to agency Inspectors General, the Office of Special Counsel, or state Attorneys General alerting them to potential areas for investigation.

Students will have the opportunity to develop substantive knowledge, as well as litigation, oversight, and other practical skills. They will work closely with experienced former government attorneys.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Democracy and the Rule of Law Clinic

Course #: 8049 **Term:** 2019SP **Faculty:** Florence, Justin; Berwick, Ben **Credits:** 5.00

Type: Clinic **Subject Areas:** Not Applicable

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Legal Tools for Protecting Democracy and the Rule of Law in America (2 spring classroom credits). The 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 11, 2019.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

Placement Site: Students will participate in an externship with The Protect Democracy Project, a nonpartisan nonprofit founded by former White House and Department of Justice attorneys and dedicated to holding the President and the Executive Branch accountable to the laws and longstanding practices that have protected our democracy through both Democratic and Republican Administrations. Most clinical work will be done remotely, although there may be opportunities for travel to Washington, D.C.

Students in the Democracy and the Rule of Law Clinic will work with The Protect Democracy Project ("Protect Democracy") to safeguard the key features of a democratic society through litigation and other means. The Clinic will focus on issues such as ensuring the impartial application of the rule of law; safeguarding healthy civic institutions that allow for public participation in political debate; prohibiting official corruption; and challenging government if it targets certain people or groups in our society.

Specific topics and projects will be determined by enrolled students in conjunction with the clinic leaders and other attorneys at Protect Democracy. Students will be divided into small teams, and each team will help to develop and manage at least one (and, more likely, several) projects. Some examples of such projects include:

Developing litigation memoranda setting forth proposed legal theories and possible causes of action, and assessing approaches to overcome justiciability barriers.

Identifying potential plaintiffs for litigation and selecting optimal jurisdictions.

Drafting complaints, preliminary injunction motions, dispositive motions and other briefs.

Assisting with discovery, including document requests and deposition planning.

Assisting with appellate briefing.

Drafting amicus briefs, white papers, op-eds, blog posts, and letters or memoranda to government officials.

Participating in moot courts and assisting counsel with preparation for oral arguments.

Developing and submitting FOIA requests, including identifying recipients and shaping requests in a manner likely to lead to useful information.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Handling administrative FOIA appeals and follow-up with agency FOIA officers.
Drafting letters to agency Inspectors General, the Office of Special Counsel, or state Attorneys General alerting them to potential areas for investigation.

Students will have the opportunity to develop substantive knowledge, as well as litigation, oversight, and other practical skills. They will work closely with experienced former government attorneys.

Democracy, the Incomplete Experiment

Course #: 2485 **Term:** 2019SP **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: Prerequisite: None

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

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

Course #: 2688 **Term:** 2018FA **Faculty:** Rabb, Intisar **Credits:** 1.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; International, Comparative & Foreign Law; Legal & Political Theory

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: Enrollment is limited to 12 students and is by permission of the instructor. A prior course in Islamic Law is helpful, but not necessary. Students who have not taken a course on Islamic law or who are not concurrently enrolled in Professor Rabb's Introduction to Islamic Law course must attend the first two sessions of Introduction to Islamic Law, also taught this semester. Interested students should email Professor Rabb (irabb@law.harvard.edu) a resume and a two-paragraph statement of interest that explains 1) prior background or familiarity with Islamic law, and 2) the proposed topic(s) or sources about which they plan to write a series of four 1000-word essays on primary sources of legislation, judicial decisions, or other historical and contemporary legal documents from the Muslim world. All applications are due by TBD; students will be notified after this date of their status in this course.

Exam Type: No Exam

This course (inspired by the Global Anticorruption Lab, first taught in Spring 2013), will provide an opportunity for students interested in assessing the way Islamic law functions in contemporary and historical contexts to work 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 of criminal law, family law, and Islamic finance in addition to Islamic constitutional law.

We will meet six times over the course of the semester: twice for introductory sessions and four times for working lab sessions to discuss research, exchange feedback, and brainstorm ideas for obtaining and analyzing sources.

For evaluation, students will be expected to contribute four short papers (approx. 2-3 pages each), to be published with accompanying sources used in the papers on SHARIAsource.com—a newly created portal for content and context on Islamic law. The sources and analysis for the site are modeled after an Islamic-law version of WestLaw and SCOTUSblog. But unlike those two sites for U.S. law, SHARIAsource will encompass law-issuing institutions in many different countries. Participants will also have opportunities to participate in online discussion and blog debates, and to monitor online and scholarly sources for new developments on Islamic law related to their chosen research projects.

Note: This reading group will meet on the following dates: TBD

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Disability Rights Law

Course #: 2058 **Term:** 2019SP **Faculty:** Stein, Michael Ashley **Credits:** 2.00

Type: Elective **Subject Areas:** Constitutional Law & Civil Rights; Employment & Labor Law; Family, Gender & Children's Law; Health Law; Human Rights

Delivery Mode: Course

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

Students can choose to write a paper instead of taking the any-day take-home exam.

This course encompasses many aspects of disability law and policy, with particular emphasis on the Americans with Disabilities Act, which regulates employment, state and local governments, transportation, and public accommodations. The assigned caselaw will be supplemented with some readings, lectures, and other materials on disability theory to provide better context for the legal issues.

Cross-registrants are encouraged to apply.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Dispute Systems Design

Course #: 2059

Term: 2019SP

Faculty: Viscomi, Rachel

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Tue 1:10 PM - 3:10 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.
Prerequisite: For JD students, the Negotiation Workshop is required to enroll.

There is no prerequisite for LLM students.

Exam Type: No Exam

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. A student's enrollment in a reserved clinical seat is dependent on the student's enrollment in the spring Negotiation and Mediation Clinic. Once a student has enrolled in the spring clinic, the Office of Clinical and Pro Bono Programs will enroll them in this required course. Please see the clinic's description for more information or contact the Office of Clinical and Pro Bono Programs. Students enrolled in this course through reserved clinical seats have an early drop deadline of November 30, 2018.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Diversity and Dispute Resolution

Course #: 2929

Term: 2019WI

Faculty: Hoffman, David

Credits: 2.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 10:00 AM - 12:30 PM

Tue 10:00 AM - 12:30 PM

Wed 10:00 AM - 12:30 PM

Thu 10:00 AM - 12:30 PM

Fri 10:00 AM - 12:30 PM

Course Description: Prerequisite: None

Exam Type: No Exam

There will be no final exam or research paper -- instead, students will write a 300-500 word reading response for each day of class, except for the final class, for which the reading response is 600-1,000 words.

In this course, we will examine the ways in which various types of diversity -- such as class, culture, disability, ethnicity, gender, race, religion, and sexual orientation -- impact the way we negotiate and resolve conflict, including the effects of intersectionality and privilege. Although the main focus of the class will be on readings and discussion, we will also use experiential exercises, including role plays, to enhance our personal understanding of how diversity affects our experience of conflict and our ability to manage difficult conversations involving identity and diversity.

Teaching Assistant Rabiya Akande (who is an S.J.D. candidate at HLS) will participate as a co-leader of discussions.

Readings will include excerpts from Mahzarin Banaji, Ta-Nehisi Coates, Kim Crenshaw, Richard Delgado, Carol Gilligan, Trina Grillo, Michele LeBaron, Carol Liebman, Larry Susskind, and Kenji Yoshino.

Enrollment in the course is limited to 24 students.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Drug Product Liability Litigation

Course #: 2293

Term: 2018FA

Faculty: Grossi, Peter

Credits: 2.00

Type: Elective

Subject Areas: Health Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: Any Day Take-Home

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

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 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; jury selection strategies; and the problems in structuring mass tort settlements. 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.

Note: The two-credit version of the course will meet on the following dates: Sept. 4, 5, 11, 12, 25, 26; October 2, 3, 10, 17, 24, 31,; and Nov. 6. In each of these classes, we will discuss the legal and scientific materials governing those doctrinal and practical issues in this type of litigation.

There is also a three-credit version of this course. You can view the details under a separate offering in the course catalog.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Drug Product Liability Litigation

Course #: 2293

Term: 2018FA

Faculty: Grossi, Peter

Credits: 3.00

Type: Elective

Subject Areas: Health Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Wed 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Prerequisites: None

Exam Type: Any Day Take-Home

Class participation (5%); mid-term (20%); final exam (25%); jury presentation (50%).

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 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; jury selection strategies; and the problems in structuring mass tort settlements. 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.

Note: There is also a two-credit version of this course. See the description in the course catalog. The three-credit version of the course will include all of the classes and materials in the two-credit version. In addition, the 15 students who elect to take the three-credit version will review, in detail, the transcript of an actual trial of a drug product liability case. They will then each prepare a 4-5 page (with Powerpoints) section of competing statements they will present, in teams, to a jury composed of Cambridge residents (not members of the HLS community). The jurors, in turn, will provide their reactions, much as the jury research most sophisticated practitioners conduct prior to major product liability actions. The three-credit version will include additional class time to work as a team on the presentation. The presentation to the jurors will be a final (3 hour) class.

The three-credit version of the course will meet on the following dates: Sept. 4, 5, 11, 12, 25, 26; October 2, 3, 10, 17, 24, 31,; and Nov. 6, 13.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Economic Analysis of Law

Course #: 2062 **Term:** 2018FA **Faculty:** Shavell, Steven **Credits:** 3.00

Type: Elective **Subject Areas:** Disciplinary Perspectives & Law; Government Structure & Function; Regulatory Law

Delivery Mode: Course

Days and Times: **Location**

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

Course Description: Prerequisite: None

Exam Type: In-Class

What effects does law have? Do corporations pollute less, market safer products, and adhere more often to their contractual obligations in order to avoid suit? Is innovation spurred by intellectual property rights? Are individuals led to comply with the tax rules, drive more carefully, and commit fewer crimes by the prospect of sanctions for wrong doing?

Such questions about the influence of legal rules on outcomes––and about the social desirability of the outcomes––have been investigated by legal scholars and economists in a systematic manner since the 1970s. Their approach is widely considered to be intellectually important and to be of significant value in practice.

This course will survey the field of economic analysis of law and illustrate its relevance to judicial decisions, legal argument, expert witness work, and public policy. The subjects covered are the major building blocks of law: torts, contracts, property law, criminal law, and the legal process.

The course will also address the tension between functional, economic arguments and those phrased in moral terms. The course is aimed at a general audience of students; no background in economics is needed to take it.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Education Advocacy and Systemic Change

Course #: 2063 **Term:** 2018FA **Faculty:** Cole, Susan **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Education Law Clinic: Externships (3-5 fall clinical 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: Please note this clinic has an early drop deadline of August 3, 2018. LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

Exam type: No Exam. Each student will present a rounds presentation on a relevant topic in system change legal work.

Grading for this course will be based on active involvement and preparation for class discussions and a final student rounds presentation on a topic related to the student's externship work and the role it plays in the organization's system change effort.

This course will explore a model of system change in education law that involves stakeholders in identifying system problems, understanding their complexity, understanding solutions, and choosing from a variety of strategies to bring about needed improvements in the educational system. The class will focus on pro-active aspects of system change lawyering, that is, the point in time when lawyers and affected stakeholders have identified a problem and must delve into the complex work of determining what solutions will bring about effective change.

Overarching learning goals include: 1) preparing students interested in system change in education to analyze the theory of change operating in the organizations and agencies in which they work 2) introducing students to the process of engaging with affected stakeholders to build consensus around the most effective solutions to complex problems; and 3) exploring the array of strategies that lawyers can use to achieve the sought after solutions.

We will apply this model of change to each of the organizations in which students are placed with an eye towards understanding how the students' work not only fits into the overall system change goals of their organizations but also responds to the broader concerns of the organizations' stakeholders. Additionally, we will learn from examples of past system change legal efforts, including those that sought to enforce rights in existence and those that turned to the legislature or public opinion to create new rights. Guest speakers will discuss their work with the class, addressing topics such as the role of politics and media, the level and type of community involvement, the legal rights available at the time decisions were made, what went into the decision of which strategy to choose for addressing the problem. Readings will include original sources, theories of organizational change, and doctrinal background to the system change efforts we explore.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Education Law and Policy

Course #: 2064 **Term:** 2019SP **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: **Location**

Mon 1:40 PM - 3:10 PM

Tue 1:40 PM - 3:10 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This course will survey several contemporary legal and policy issues in American elementary and secondary education, which may include school finance litigation; school discipline and the rise of Zero Tolerance policies; school culture and school climate; bullying prevention and intervention; testing, accountability and the Every Student Succeeds Act (ESSA); special education and bilingual education; the (re)segregation of historically disadvantaged groups; and the school choice movement; among others. To help us understand these current education reform problems, we will consider the role that a variety of legal doctrines (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. We will trace the rise of the so-called Global Education Reform Movement (GERM)-and its associated focus on accountability, measurement, top-down management and market-based solutions-and consider its impact on U.S. public education. We will use tools from Critical Race Theory (CRT), feminist theory, disability studies, trauma theory, and other intellectual traditions to help us understand the current challenges faced by American public education. 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. Class participation will be part of the grade for this course as will a research project that will be assigned at the beginning of the semester. There is no final examination in this course.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Education Law Clinic: Externships

Course #: 8009 **Term:** 2018FA **Faculty:** Cole, Susan **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Education Advocacy and Systemic Change (2 fall classroom 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: Please note that this clinic has an early drop deadline of August 3, 2018.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

Placement Site: Various externship placements.

The Education Law Clinic: Externships focuses on the educational rights of students with an emphasis on the educational success of at-risk, low income students, particularly those who have been traumatized by exposure to adverse experiences, have disabilities, have been or are homeless, or have experienced other barriers to success such as the achievement gap, bullying (including cyberbullying), truancy, suspensions and expulsions. Many are caught in the school to jail pipeline. Law students will intern with organizations that are addressing these issues. Each student will be placed in either a non-profit organization (such as Massachusetts Advocates for Children, EdLaw Project) or a government agency (such as the Massachusetts Department of Elementary and Secondary Education, Attorney Generals office, the Bureau of Special Education Appeals).

Placements: Students who enroll in this clinic will be contacted by Liz Solar in the Office of Clinical and Pro Bono Programs to begin the placement process of matching students with externship organizations. Some of the placement organizations ask for a minimum of 15 hours of work. The concurrent course will provide time to reflect upon each students clinical experience and place the work they and their organization are doing to engage in the process of system change.

This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Most placement organizations are open Monday-Friday from 9am-5pm.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Education Law Clinic: Individual Representation

Course #: 8006

Term: 2018FA

Faculty: Gregory, Michael

Credits: 5.00

Type: Clinic

Subject Areas: Procedure & Practice

Delivery Mode: Clinic

Days and Times:

Location

Course Description:

Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Special Education Advocacy for Students Impacted by Trauma (2 fall classroom 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: Please note that this clinic has an early drop deadline of August 3, 2018.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

Placement Site: HLS.

Students must attend a mandatory orientation session on Friday, September 7, 2018 from 1:00-4:00 PM.

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Education Law Clinic: Legislative and Administrative Lawyering

Course #: 8006 **Term:** 2019SP **Faculty:** Gregory, Michael; Cole, Susan **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Systemic Advocacy for Safe and Supportive Schools (2 spring classroom 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: Please note this clinic has an early drop deadline of November 30, 2018. LLM Students: LLM students interested in this clinic should be in contact with the clinic directly. Placement Site: HLS. Students must attend a mandatory orientation session during the first week of spring classes.

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Election Law

Course #: 2928 **Term:** 2018FA **Faculty:** Stephanopoulos, Nicholas **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

This course examines the law, both constitutional and statutory, that governs the American electoral system. Topics covered include the right to vote, reapportionment and redistricting, minority representation, the regulation of political parties, and campaign finance. The course draws heavily from both legal and political science scholarship. It addresses constitutional provisions including the First, Fourteenth, and Fifteenth Amendments, as well as key statutes such as the Voting Rights Act, the Federal Election Campaign Act, and the Bipartisan Campaign Reform Act. Students will develop an understanding of not only election law doctrine, but also the theoretical and functional underpinnings of the American electoral system.

Empirical Criminal Law

Course #: 2802 **Term:** 2019SP **Faculty:** Yang, Crystal **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Course Description: Prerequisite: None

Exam Type: No Exam

In the past four decades, the United States has experienced a huge expansion of its prison population, making mass incarceration one of the nations most important social justice issues. Social scientists have responded to this phenomenon with research attempting to understand the causes and consequences of our expansive criminal justice system. This seminar will present the economic models of crime and criminal justice as well as the empirical evidence related to these subjects. We will cover topics spanning the entire breadth of the criminal justice process, including the determinants of crime, policing, prosecution, trial, sentencing, and the effects of punishment on post-incarceration outcomes.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Empirical Law and Economics

Course #: 2811

Term: 2019SP

Faculty: Ferrell, Allen; Cohen, Alma

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Seminar

Days and Times:

Location

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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 policing and crime, judges' decision, discrimination, corporate governance, and securities litigation. Special attention will be given to efforts to identify causality. Some sessions will feature speakers who do current empirical research.

Readings will be mainly from articles in law reviews and economics or finance journals.

Note: The course will not meet on all Wednesdays and Thursdays during the semester. Rather, it will meet for twelve 2-hour sessions which will take place during the first two months of the semester and take place during the time slot of the course.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Employment Discrimination

Course #: 2068

Term: 2019SP

Faculty: Churchill, Steve

Credits: 2.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Employment & Labor Law

Delivery Mode: Course

Days and Times:

Location

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

Course Description: Prerequisite: None

Exam Type: One Day Take-Home

This course will examine civil rights law in the workplace, one of the most hotly litigated bodies of law in recent decades. Although employers have great latitude when making employment decisions under common law, a variety of statutes regulate decisions that are based on protected characteristics, such as race, gender, age, religion, national origin, or disability. On the federal level, those statutes include Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act, the Family & Medical Leave Act, and more. Over time, those statutory protections have been subject to constant review and revision, both by courts called upon to resolve conflicting values and norms and by legislatures responding to competing political pressures. In studying core aspects of the doctrine that have remained relatively stable, as well as aspects that have changed over time, we will examine the forces that have influenced the ongoing development of this area of law. The course will cover various topics related to rights and procedures, including the increased prevalence of mandatory arbitration agreements and the role of class action litigation.

This course will be taught in an accelerated manner, with coursework to be completed during the first half of the semester.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Employment Law

Course #: 2069

Term: 2018FA

Faculty: Sachs, Benjamin

Credits: 4.00

Type: Elective

Subject Areas: Employment & Labor Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

Course Description: Prerequisite: None

Exam Type: One Day Take-Home

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Employment Law Clinic

Course #: 8012 **Term:** 2018FA **Faculty:** Churchill, Steve **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Employment Law Workshop: Advocacy Skills (2 fall classroom 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: August 28, 2018.

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, such as with non-profit/advocacy groups (such as the Lawyers Committee for Civil Rights Under Law; Gay and Lesbian Advocates and Defenders; Justice at Work; or Greater Boston Legal Services), or with government agencies (such as the Massachusetts Commission Against Discrimination; the Massachusetts Attorney Generals Office; the U.S. Equal Employment Opportunity Commission; or the U.S. Department of Labor).

Placements: Students who enroll in this clinic will be contacted by the Office of Clinical and Pro Bono Programs to begin the placement process of matching students with externship organizations.

This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Most placement organizations are open Monday-Friday from 9am-5pm.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Employment Law Clinic

Course #: 8012 **Term:** 2019SP **Faculty:** Churchill, Steve **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Required Class Component: Employment Law Workshop: Strategies for Social Change (2 spring classroom 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 11, 2019.
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, such as with non-profit/advocacy groups (such as the Lawyers Committee for Civil Rights Under Law; Gay and Lesbian Advocates and Defenders; Justice at Work; or Greater Boston Legal Services) or with government agencies (such as the Massachusetts Commission Against Discrimination; the Massachusetts Attorney Generals Office; the U.S. Equal Employment Opportunity Commission; or the U.S. Department of Labor).
Placements: Students who enroll in this clinic will be contacted by the Office of Clinical and Pro Bono Programs to begin the placement process of matching students with externship organizations.
This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Most placement organizations are open Monday-Friday from 9am-5pm.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Employment Law Workshop: Advocacy Skills

Course #: 2070

Term: 2018FA

Faculty: Churchill, Steve

Credits: 2.00

Type: Elective

Subject Areas: Employment & Labor Law; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Tue 7:00 PM - 9:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Employment Law Clinic (3-5 fall clinical 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: August 28, 2018. 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Employment Law Workshop: Strategies for Social Change

Course #: 2071

Term: 2019SP

Faculty: Churchill, Steve

Credits: 2.00

Type: Elective

Subject Areas: Employment & Labor Law; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Tue 7:00 PM - 9:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Employment Law Clinic (3-5 spring clinical 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: January 11, 2019. LLM Students: LLM students may apply to this clinic 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Engaging China

Course #: 2650 **Term:** 2018FA **Faculty:** Alford, William; Emery, Alonzo **Credits:** 1.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Health Law; Human Rights; International, Comparative & Foreign Law; Legal & Political Theory

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 7:00 PM - 9:00 PM

Course Description: Prerequisites: 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 and copy his assistant, Emma Johnson, johnson@law.harvard.edu by July 31 at the latest and preferably sooner.

Exam Type: No Exam

Scheduling Note: This course will meet from 8-10pm in September and October, and 7-9pm in November to accommodate meeting electronically with colleagues at Renmin University of China.

This one unit course 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 all but one of our likely six 2-hour sessions of the class jointly with a comparable class at Renmin University of China, via electronic means — hence, our evening meeting times. (8-10 pm in September and October, 7-9 pm in November due to the Daylight Saving Time change). Each session will cover a specific topic. In past years topics have included legal education, the legal profession, corporate social responsibility, corporate governance, the Foreign Corrupt Practices Act, rights (through the prism of disability), trade, law and development, climate change and the roles of the US and China in Africa - with the precise configuration for 2018-19 to be determined closer to the start of the semester. We conclude the semester with a mock negotiation done jointly with students from Renmin University School of Law.

Note: This reading group will meet on the following dates: TBD

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Entertainment and Media Law

Course #: 2072 **Term:** 2019WI **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: **Location**

Mon 1:30 PM - 4:15 PM

Tue 1:30 PM - 4:15 PM

Wed 1:30 PM - 4:15 PM

Thu 1:30 PM - 4:15 PM

Fri 1:30 PM - 4:15 PM

Course Description: Prerequisites Students must complete one of the following courses in order to enroll: Copyright, Copyright and Trademark Litigation, Trademark and Unfair Competition, Intellectual Property Law, Intellectual Property Theory, or Intellectual Property Law: Advanced. If you do not meet the prerequisite, you will need to seek permission from the faculty member (kbasin@law.harvard.edu) to waive it.

Exam Type: No Exam

Students will participate in several problem-solving exercises in entertainment and media law, with written work for grading evaluation.

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 shifts 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.

Note: This course will meet over 10 sessions, ending on January 18th, 2019.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Entrepreneurship and Venture Capital

Course #: 2073

Term: 2019SP

Faculty: Hornik, David

Credits: 1.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Wed 5:00 PM - 7:00 PM

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam: No Exam

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. It will meet on the following dates: 4/2, 4/3, 4/4, 4/9, 4/10, 4/11

Drop Deadline: April 3, 2019 by 11:59 pm EST

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Environmental Law

Course #: 2074 **Term:** 2018FA **Faculty:** Freeman, Jody **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

Course Description: Prerequisites: None

Exam Type: One Day Take-Home

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, and the Trump administrations efforts to rescind these policies. The course will also cover developments in constitutional law which significantly affect federal environmental law; and will cover 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 private law fields such as real estate, bankruptcy and financial regulation. 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.

Laptops and other electronic devices will not be permitted in class. Regular attendance and participation in class discussion is expected.

Cross-Registration: No undergraduates please, and cross-reg students allowed only with permission of instructor.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Environmental Law and Policy Clinic

Course #: 8008 **Term:** 2019SP **Faculty:** Jacobs, Wendy **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Required Class Component: Environmental Law and Policy Clinical Course (1 spring classroom credit). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required one-credit course.
Additional Co-/Pre-Requisites: None.
By Permission: No.
Add/Drop Deadline: Please note that this clinic has an early drop deadline of January 4, 2019.
LLM Students: LLM students may apply to this clinic by submitting an application.
Placement Site: Most clinical work is done on campus; some placements are available at externship locations (government agencies and nonprofits). Students are carefully matched to their projects/placements by the Clinic Director approximately 4 weeks in advance of the semester. Certain projects and placements have a longer lead time. The Clinic Director speaks with each enrolled student to determine the appropriate project or placement.
This clinic is available for 4 or 5 clinical credits, plus 1 credit for the required class component. Students wishing to take the clinic for 3 clinical credits must apply to the Clinic Director to receive an exception and waiver; students approved to take the clinic for 3 clinical credits will still be required to take the 1 credit class component.
The Emmett Environmental Law and Policy Clinic (ELPC) offers students an opportunity to do hands-on, meaningful, real-life, and real-time environmental/energy regulatory, policy and advocacy work. Clinic offerings include local, national, and international projects covering the spectrum of environmental, energy and administrative law 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 often includes climate change displacement, citizen science, climate change mitigation and adaptation, offshore drilling and water protection, sustainable agriculture/aquaculture, ethics in the study of human exposure to environmental contaminants, development of legal frameworks for emerging technologies such as carbon capture and sequestration, extraction of natural gas by hydraulic fracturing, and aiding environmental protection and advocacy groups to identify opportunities and strategies for participating in the review and permitting processes for significant energy infrastructure projects.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Environmental Law and Policy Clinic

Course #: 8008 **Term:** 2019WI **Faculty:** Jacobs, Wendy **Credits:** 2.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Required Class Component: Environmental Law and Policy Clinical Course (1 winter classroom credit). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required one-credit course.
Additional Co-/Pre-Requisites: None.
By Permission: Yes. Applications should include a resume and one-page statement of interest. Applications should be sent directly to Clinic Director Wendy Jacobs (wjacobs@law.harvard.edu) and Jacqueline Calahong (jcalahong@law.harvard.edu) by October 31, 2018.
Add/Drop Deadline: Please note that this clinic has an early drop deadline of November 28, 2018.
LLM Students: LLM students may apply to this clinic by submitting an application.
Placement Site: HLS. Students are carefully matched to their projects/placements by the Clinic Director approximately 4 weeks in advance of the semester. Certain projects and placements have a longer lead time. The Clinic Director speaks with each enrolled student to determine the appropriate project or placement.
The Emmett Environmental Law and Policy Clinic (ELPC) offers students an opportunity to do hands-on, meaningful, real-life, and real-time environmental/energy regulatory, policy and advocacy work. Clinic offerings include local, national, and international projects covering the spectrum of environmental, energy and administrative law 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 often includes climate change mitigation and adaptation, offshore drilling and water protection, sustainable agriculture/aquaculture, ethics in the study of human exposure to environmental contaminants, development of legal frameworks for emerging technologies such as carbon capture and sequestration, extraction of natural gas by hydraulic fracturing, "green" infrastructure for management of storm water, and aiding environmental protection and advocacy groups to identify opportunities and strategies for participating in the review and permitting processes for significant energy infrastructure projects.
This winter term clinic is limited to 10 students and is by application only.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Environmental Law and Policy Clinic

Course #: 8008 **Term:** 2018FA **Faculty:** Jacobs, Wendy **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Environmental Law and Policy Clinical Course (1 fall classroom 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: No.

Add/Drop Deadline: Please note that this clinic has an early drop deadline of August 10, 2018.

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

Placement Site: Most clinical work is done on HLS campus; some placements are available at externship locations (government agencies and nonprofits). Students are carefully matched to their projects/placements by the Clinic Director 4 weeks in advance of the semester. Certain projects and placements have a longer lead time. The Clinic Director speaks with each enrolled student to determine the appropriate project or placement.

This clinic is available for 4 or 5 clinical credits, plus 1 credit for the required class component. Students wishing to take the clinic for 3 clinical credits must apply to the Clinic Director to receive an exception and waiver; students approved to take the clinic for 3 clinical credits will still be required to take the 1 credit class component.

The Emmett Environmental Law and Policy Clinic (ELPC) offers students an opportunity to do hands-on, meaningful, real-life, and real-time environmental/energy regulatory, policy and advocacy work. Clinic offerings include local, national, and international projects covering the spectrum of environmental, energy and administrative law 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 often includes climate change migration, citizen science, climate change mitigation and adaptation, offshore drilling and water protection, sustainable agriculture/aquaculture, ethics in the study of human exposure to environmental contaminants, development of legal frameworks for emerging technologies such as carbon capture and sequestration, extraction of natural gas by hydraulic fracturing, " and aiding environmental protection and advocacy groups to identify opportunities and strategies for participating in the review and permitting processes for significant energy infrastructure projects.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Environmental Law and Policy Clinical Course

Course #: 2842 **Term:** 2018FA **Faculty:** Jacobs, Wendy; Joroff, Aladdine **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 5:00 PM - 6:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Environmental Law and Policy Clinic (4-5 fall clinical 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: Please note this clinic has an early drop deadline of August 3, 2018. LLM Students: LLM students may apply to this clinic by submitting an application. This course teaches strategies and skill sets for practicing environmental law through interactive exercises in conjunction with and as a supplement to enrollment in the Emmett Environmental Law & Policy Clinic. The course is practical, hands-on and participatory. Students will develop and apply skills through class discussions, written exercises, team work, peer reviews, and/or role-playing exercises.

Environmental Law and Policy Clinical Course

Course #: 2842 **Term:** 2019SP **Faculty:** Goho, Shaun **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 5:00 PM - 6:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Environmental Law and Policy Clinic (4-5 spring clinical 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: Please note that this clinic has an early drop deadline of January 4, 2019. LLM Students: LLM students may apply to this clinic by submitting an application. This course teaches strategies and skill sets for practicing environmental law through interactive exercises in conjunction with and as a supplement to enrollment in the Emmett Environmental Law & Policy Clinic. The course is practical, hands-on, and participatory. Students will develop and apply skills through class discussions, written exercises, team work, peer reviews, and/or role-playing exercises.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Environmental Law and Policy Clinical Course

Course #: 2842

Term: 2019WI

Faculty: Joroff, Aladdine

Credits: 1.00

Type: Elective

Subject Areas: Environmental Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 5:00 PM - 6:00 PM

Tue 5:00 PM - 6:00 PM

Wed 5:00 PM - 6:00 PM

Thu 5:00 PM - 6:00 PM

Fri 5:00 PM - 6:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Environmental Law and Policy Clinic (2 winter clinical 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. LLM Students: LLM students may apply to this clinic by submitting an application. This course teaches strategies and skill sets for practicing environmental law through interactive exercises in conjunction with and as a supplement to enrollment in the Emmett Environmental Law & Policy Clinic. The course is practical, hands-on and participatory. Students will develop and apply skills through class discussions, written exercises, team work, peer reviews, and/or role-playing exercises.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Environmental Law in the Supreme Court

Course #: 2432

Term: 2019SP

Faculty: Lazarus, Richard

Credits: 1.00

Type: Elective

Subject Areas: Environmental Law

Delivery Mode: Reading Group

Days and Times:

Location

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisites: There are no prerequisites for this reading group, but admission is by permission of the instructor. If interested, please submit a resume and short essay (one or two paragraphs) explaining your interest in the reading group. The interest may relate to environmental law or Supreme Court advocacy, or both. All materials must be submitted no later than Friday, October 5. Please forward all application materials both to Melinda Eakin at eakin@law.harvard.edu and to lazarus@law.harvard.edu.

Exam: No Exam

This reading group is designed to be a fun and engaging exploration of environmental litigation before the U.S. Supreme Court. The reading group will meet six times during the semester. During each meeting, we will likely focus mostly on one Supreme Court case. For each case, we will go beyond a traditional discussion of the Court's holding to consider the competing strategies of the advocates before the Court (and the Justices within the Court) that resulted in that holding. With one possible exception, the cases will all be significant cases already decided by the Court.

For each case, the weekly reading assignment will include briefs filed in the case by the parties, the oral argument transcript, and the Court's opinion. During the reading group meetings, I will also frequently introduce other material that reveals the often-less obvious litigation strategies of the opposing counsel behind the scenes in the case or what may have happened within and between the chambers of the Justices at the Court itself in deciding the case. For several of the individual cases, we will be joined (most often in digital form) by one of the arguing counsel in the case being discussed. They are an engaging and entertaining group of outstanding Supreme Court litigators.

The one possible exception to our focus on past Supreme Court environmental law cases will occur if the Supreme Court happens to be considering a significant environmental law case at the time the Reading Group is meeting next spring. If that happens, we will likely shift some of our attention to that case on a real-time basis. That could include discussions whether the Court should, or is likely to grant review. Or, if review is already granted, how best to prepare for argument in the case. And, if the argument is already complete, what the Court seems most likely to rule in the case. Again, we will review a wide range of readings and consult with counsel in our examination of the case.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

ERISA

Course #: 2659 **Term:** 2019SP **Faculty:** Rosenberg, Peter **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

This two credit course will cover the comprehensive employee benefits regime under the Employee Retirement Income Security Act, otherwise known as "ERISA". Our goal will be to provide students a working understanding of the history and policies driving the legislative and regulatory efforts, the range and types of benefit plans affected, and the issues and challenges facing employers, employees, and fiduciaries.

Estate Planning

Course #: 2592 **Term:** 2019SP **Faculty:** Bloostein, Marc **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

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

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Ethics, Economics and the Law

Course #: 2076

Term: 2018FA

Faculty: Sandel, Michael

Credits: 2.00

Type: Elective

Subject Areas: Not Applicable

Delivery Mode: Seminar

Days and Times:

Location

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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.

Note: This course is jointly-listed with GSAS as Government 2034.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

European Union Law and Policy

Course #: 2078

Term: 2019SP

Faculty: Waibel, Michael

Credits: 2.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Wed 1:00 PM - 3:00 PM

Course Description: Prerequisites: None

Exam Type: Any Day Take-Home

The course offers an overview of EU law and policy, covering institutional, constitutional and substantive aspects of European integration. It also examines the political context that enabled EU integration, comparing the EU with the United States and ASEAN, NAFTA and MERCOSUR, and the EU's impact on the United States and the rest of the world.

The course has three parts. Part 1 introduces the European Union, its main institutions, and legal doctrines. This part explores how the European Court of Justice and national courts have created a powerful supranational legal order. Part 2 explores the operation of the single market through the four fundamental freedoms and associated case law, as well as EU citizenship and fundamental rights. Part 3 looks at how EU regulation in diverse areas such as antitrust, data protection, the environment and food safety influences US firms and citizens, and non-EU residents more generally.

The course assumes no prior knowledge of EU law. In examining the dynamics and direction of EU integration, including major centrifugal tendencies such as Brexit, and the refugee and Eurozone crises, we keep a close eye on current events.

Prof. Waibel can be reached on mww27@cam.ac.uk

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Evidence

Course #: 2079 **Term:** 2018FA **Faculty:** Whiting, Alex **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

Course Description: Prerequisite: None

Exam Type: In Class

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.

Evidence

Course #: 2079 **Term:** 2019SP **Faculty:** Rubin, Peter **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Course Description: Prerequisite: None

Exam Type: In Class

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Evidence

Course #: 2079 **Term:** 2018FA **Faculty:** Rubin, Peter **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Course Description: Prerequisite: None

Exam Type: In Class

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.

Evidence

Course #: 2079 **Term:** 2018FA **Faculty:** Lvovsky, Anna **Credits:** 4.00

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

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: Prerequisite: None

Exam Type: One Day Take-Home

This course will examine the rules and principles of American evidence law, focusing on the practical application of evidentiary rules in court and on the questions of policy, epistemology, and institutional design that govern them. Topics will include relevance, hearsay and its exceptions, privileges, character evidence, lay and expert opinion, scientific proof, direct and cross examination, competence, impeachment, rehabilitation, and authentication, as well as constitutional issues bearing on evidence. The course will center on the Federal Rules of Evidence, but will incorporate select state and foreign counterparts.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Evidence

Course #: 2079

Term: 2018FA

Faculty: Schulman, Emily

Credits: 4.00

Type: Multisection

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

Course Description: Prerequisite: None

Exam Type: In-Class

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Evidence

Course #: 2079

Term: 2019WI

Faculty: Murray, Peter

Credits: 2.00

Type: Multisection

Subject Areas: International, Comparative & Foreign Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 10:00 AM - 12:30 PM

Tue 10:00 AM - 12:30 PM

Wed 10:00 AM - 12:30 PM

Thu 10:00 AM - 12:30 PM

Fri 10:00 AM - 12:30 PM

Course Description: Prerequisite: None

Exam: Last Class Take-Home and Short In-Class Examination There will be a take-home and an in-class exam. The take-home will be distributed on the last day of class and will be due by the start of the in-class exam.

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 "immersion" 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 numerous trial problems as well as of rules and cases. The course also includes computer-aided video exercises in simulated trial settings.

Assignments will be posted on the Course Web Site each week. Students will be expected to be prepared to participate in class discussion and solution of the assigned problems each day.

Evidence is a recommended prerequisite for the Trial Advocacy Workshop and can support certification for student practice in 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 also available in Green, Nesson and Murray, Problems, Cases and Materials on Evidence, 4th Ed. (Aspen 2017). The problems that will be assigned are available in Green, Nesson & Murray, Problems in Evidence. A current paperback copy of the restyled Federal Rules of Evidence will also be a convenience.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Evolving Architecture of International Income Taxation

Course #: 2915

Term: 2019SP

Faculty: Shay, Stephen

Credits: 1.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law; Legal & Political Theory; Taxation

Delivery Mode: Reading Group

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: Taxation, but may be waived by professor.

Exam Type: No Exam

The reading group will examine the evolving standards for taxing cross-border income reflected in international actions aimed at protecting tax revenues, including those in (i) the G20/OECD base erosion and profit shifting (BEPS) action plans, (ii) EU tax directives, (iii) UN tax work, and (iv) recent U.S. international tax law changes. The reading group will prioritize proposals that have been adopted by countries, highlight areas of convergence and divergence in approaches and consider how these changes will affect international business tax structuring, tax disputes and government revenue.

Note: This reading group will meet on the following dates: TBD

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Executive and Board Turnover in the S&P 500: Research Seminar

Course #: 2530

Term: 2019SP

Faculty: Kraakman, Reinier

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Seminar

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisites: Familiarity with U.S. corporate law and a consumer's interest in the relevant finance literature.

Exam Type: No Exam Seminar participants will be asked to present assigned articles and submit weekly memos evaluating their results and/or suggesting novel ways to explore their results.

This seminar reviews the literature on management and director turnover in U.S. public corporations. Topics to be addressed include the proximate causes of turnover (e.g., retirements, terminations, and takeovers); relationships between turnover and corporate attributes such as firm performance, size, and ownership structure; the relationship between managerial compensation and turnover; and the evolution of CEO and director turnover over time. Depending on available literature, the seminar may inquire into when turnover in the C-suite and the boardroom are team phenomena, including whether they sometimes correlate. Seminar readings will also address the implications of turnover for corporate governance. Should reformers encourage selective turnover by promoting term limits and fixed retirement ages? Alternatively, should boards periodically disclose their succession planning to allow the market to assess the likely continuity of corporate leadership? And if so, should successors be named long before incumbent CEOs retire? The seminar materials will include an accessible dataset. When data permit, participants will be asked to make testable predictions based on their informed intuitions. Some predictions may actually be tested after their proponents firmly commit. But no hands-on data skills are required.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Fair Trial

Course #: 2312

Term: 2018FA

Faculty: Nesson, Charles

Credits: 3.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Criminal Law & Procedure

Delivery Mode: Course

Days and Times:

Location

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home Students will write a paper (1500 words) and an exam essay (500 words), both due at the end of the exam period.

No jury exists without bias or context. The American jury is designed as a black box that we push facts into and expect a fair decision from. But what makes a trial, and thus a jury's decision, fair?

Fairness of presentation, of courtroom etiquette, and of evidence submission are merely the tips of a much larger iceberg of fairness. What about the means by which a group communicates? What if the discussion were anonymous? What if jury members were each required to write down all their thoughts in advance? What if at the end of the trial, we could look back as if watching 12 Angry Men? What effect would that have on the outcome of the outcome of trials, and would they be more or less fair?

In this class we will expand this concept outside the courtroom. Consider how important Facebook was to removing the old HLS crest under Royall Must Fall. How would these discussions have gone in other contexts, like small groups or if town halls were better attended? What if the conversation happened anonymously online? Would the end result have been different, or would different opinions have come out? The answers to these questions are not clear, but we will explore them through a variety of approaches in this class.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Family Law

Course #: 2084

Term: 2019SP

Faculty: Suk Gersen, Jeannie

Credits: 4.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Family, Gender & Children's Law; Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Wed 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

Course requirements include class participation, multiple short pieces of writing, and an exam.

This course is about the fascinating law, policies, social conventions, and ideas that regulate family and intimate relationships. It examines marriage and its alternatives, parenthood, divorce, child custody, property division, alimony, and child support. Substantial time is devoted to constitutional doctrines, such as the right to privacy in sex and reproduction; the right to marry; and the problem of equality.

Laptops and devices cannot be used in class.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Family Law of Poor Families

Course #: 2648

Term: 2018FA

Faculty: Halley, Janet

Credits: 2.00

Type: Elective

Subject Areas: Family, Gender & Children's Law

Delivery Mode: Seminar

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Poor families are governed by bodies of law which have rarely, if ever, been organized as a distinctive topic in law. But for poor families themselves, the interaction of these legal structures is crucial to their poverty, to the family forms that they adopt, to their relationships to large social structures such as the labor market, housing, and mass incarceration. These dynamics have large implications for the wellbeing of poor individuals and families, for the gender patterns they adopt, and for the social networks the construct to survive and support each other. After an introduction to social science and social theory on families and poverty in the US, this course will examine the welfare system (the Poor Law, AFDC/TANF, Medicaid, public and publicly-subsidized housing, child support enforcement) for its explicit and implicit role in family formation and dissolution, and in the encounters between poor families and their members, on one hand, and social policy about them, on the other. Because marriage is not the predominant way in which poor adults set up their adult/adult relationships, we will study the "law in action" of informal family formation and dissolution, including parenthood. We will study the family law embedded in institutions that poor people, because of their poverty, encounter in a much more pervasive and intense way than others do: prisons, immigration, child protection/child welfare/foster care; child delinquency; homeless policy and provision; school discipline; and domestic violence response. Throughout, our focus will be on these materials from a family-eye perspective: how do poor families strategize in the network of law created by all these legal institutions and practices?

This seminar will be exploratory. Though anchored by core readings and visits to the class by local experts, the seminar will concentrate on new research by student teams, reports to the class, and collective decisionmaking about the most important topics and readings to include, were this topic to develop into a full-fledged 4-credit course.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Federal Budget Policy

Course #: 2566 **Term:** 2019WI **Faculty:** Jackson, Howell **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 9:45 AM - 11:45 AM

Tue 9:45 AM - 11:45 AM

Wed 9:45 AM - 11:45 AM

Thu 9:45 AM - 11:45 AM

Fri 9:45 AM - 11:45 AM

Course Description: Prerequisite: None

Exam Type: No Exam

Students enrolled in the course will be expected to submit a series of reaction papers to daily assignments, some of which will be team reaction papers.

The goal of this course is to introduce students to the law and practice of government budgeting in the United States. Students will be introduced to the basic structure of the federal budget process, including the Presidents Budget and Congressional budget procedures. We will explore the roles of all three branches of federal government in setting budget policy in the United States, covering government shut-downs, debt ceiling crises, continuing resolutions, and ongoing debates over budget reforms and fiscal challenges. Based on student interest, we may also take up entitlement reform, defense spending, budgeting for infrastructure as well as topics related to state budgeting practices and federal-state relations in budget policy.

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

In order to accommodate scheduling requirements for students from different parts of Harvard University, class sessions will take place during the first two weeks of the January Term, with ten two-hour classes in the mornings and roughly four luncheon presentations with outside experts. Students from across the University are welcome to enroll.

Students interested in writing a research paper on budget policy can sign up to write such a paper for independent credit in the Spring semester. Research topics should be arranged with permission of the instructor. Examples of student papers from past years are available at <http://scholar.harvard.edu/briefingpapers/home>.

Note: This course is jointly-listed with HKS as MLD-420M.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Federal Courts and the Federal System

Course #: 2086 **Term:** 2018FA **Faculty:** Field, Martha **Credits:** 5.00

Type: Multisection **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Procedure & Practice

Delivery Mode: Course

Days and Times: **Location**

Mon 10:20 AM - 12:00 PM

Tue 10:20 AM - 12:00 PM

Wed 10:20 AM - 12:00 PM

Course Description: Prerequisites: For JD students, this course is open to those who have taken, or are concurrently taking, one of the two basic courses in Constitutional Law - Constitutional Law: First Amendment or Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment. For LLM students, instructor permission is required to enroll in this course.

Exam Type: In-Class

This course involves a study of the role of the federal courts in the operation of the federal system. Topics include: choice of law in the federal courts and the development of federal common law; the power of Congress to regulate jurisdiction; Supreme Court review of state court judgments; federal habeas corpus; and the federal question jurisdiction, including limitations on its exercise. Special attention will be given to various technical doctrines that frequently limit federal jurisdiction in constitutional litigation against states: the abstention and sovereign immunity doctrines, and limitations on federal injunctions against state proceedings. Other topics concerning the Civil Rights Act, 42 U.S.C. 1983, will also be considered.

Text: Low and Jeffries, Federal Courts and Federal-State Relations, 7th edition, and the most recent Supplement.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Federal Courts and the Federal System

Course #: 2086

Term: 2018FA

Faculty: Goldsmith, Jack

Credits: 4.00

Type: Multisection

Subject Areas: Constitutional Law & Civil Rights; Government Structure & Function; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

Course Description: 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.

Exam Type: Any Day Take Home

This course studies the role of the federal courts in the federal system. Topics covered will include the case or controversy requirement and justiciability, congressional authority to regulate the jurisdiction of the federal courts, federal habeas corpus, advanced Erie issues, federal common law, and sovereign immunity.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Federal Courts and the Federal System

Course #: 2086 **Term:** 2019SP **Faculty:** Fallon, Richard **Credits:** 5.00

Type: Multisection **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Procedure & Practice

Delivery Mode: Course

Days and Times: **Location**

Mon 10:20 AM - 12:00 PM

Tue 10:20 AM - 12:00 PM

Wed 10:20 AM - 12:00 PM

Course Description: Prerequisite: For JD students, this course is open to those who have completed Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment. For LLM students, instructor permission is required to enroll in this course.

Exam Type: In Class

This course offers a study of the role 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 F. Manning, Daniel J. Meltzer, & David L. Shapiro, Hart & Wechsler's The Federal Courts and the Federal System (7th ed. 2015), along with its 2018 Supplement.

Federal Litigation-Civil

Course #: 2089 **Term:** 2019SP **Faculty:** Rosenberg, David **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

Course Description: Prerequisite: None. This course is available to all interested students.

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Federal Tax Clinic

Course #: 8045

Term: 2018FA

Faculty: Fogg, Keith

Credits: 5.00

Type: Clinic

Subject Areas: Procedure & Practice; Taxation

Delivery Mode: Clinic

Days and Times:

Location

Course Description:

Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Federal Tax Clinical Seminar (2 fall classroom 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: August 28, 2018.

LLM Students: LLM students are eligible to enroll in this clinic through Helios.

Placement Site: WilmerHale Legal Services Center (Jamaica Plain).

The Federal Tax Clinic focuses on assisting low income taxpayers who have a dispute with the IRS. For clients who have a corresponding dispute with the Massachusetts Department of Revenue, the clinic will assist them as well. The Clinic's main practice areas are representing taxpayers litigating in the United States Tax Court, engaging in the audit process and enduring the collection phase of the case. In addition to representing taxpayers from the Boston area, the Clinic takes clients from around the country in order to litigate issues of broad impact to the low income taxpayer community. It also comments on regulations and other types of rule-making that will impact this community.

Much of the practice involves working with the IRS as it administers the tax laws. Clinic students work with IRS revenue agents, revenue officers, Appeals Officers, automated call site collection operators and correspondence auditors. No matter which segment of the administrative agency we encounter, the Clinic seeks to provide a voice for the client in a process that can otherwise prove baffling. Students in this clinic gain a lot of direct client experience. Each student usually starts with 4-5 cases representing a variety of the practice areas of the Clinic. The student has primary responsibility for the case and works directly with the client. The supervisors in the Clinic exist to assist and to guide the students as they work with their clients but generally the supervisors have no direct contact with the clients.

Because Congress uses the Internal Revenue Code to deliver benefits through provisions such as the earned income tax credit and the advanced child tax credit, the taxpayers have a significant financial interest in their tax disputes. The benefit payments sometimes equal half of a taxpayer's annual income. Represented clients have a much higher statistical chance of prevailing and thus avoiding deep poverty. The Clinic represents clients so that they can retain these benefits in circumstances in which they might give up rather than fight with the IRS in a process they fail to fully comprehend. Additionally, the Clinic represents clients mired in debt. Each semester, the Clinic assists taxpayer in settling their tax debts with the IRS for a fraction of the amount owed and in some cases writing off hundreds of thousands of dollars. These outcomes can be life changing for some clients.

The Clinic also seeks to give students the opportunity to work on matters of broader impact in the low income taxpayer community. For the past year the Clinic has identified taxpayers dismissed from the Tax Court as a result of being told the wrong date to file their petition by the IRS. The Clinic filed an amicus brief in the fall of 2015 arguing that the Tax Court had the ability under applicable Supreme Court precedent to equitably toll the time period for filing the petition. The Tax Court rejected this argument though that case was resolved on other grounds and did not result in an appeal. Since that case, the Clinic has filed an amicus brief in the 9th Circuit in the case of a pro se petitioner misled by the IRS notice and filed briefs for clients in the 2nd and 3rd Circuits. The Clinic will argue this issue before the Circuit courts during the Spring 2017 semester. In addition the Clinic has three more cases with the same issue awaiting a decision by the Tax Court which will result in cases in the 4th and 10th Circuits. In the Spring semester 2017 Clinic students are working on writing comments to the IRS on proposed family status regulations as

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

these regulations have a significant impact on our clients.

The seminar component of the Clinic seeks to complement the experience of working directly with the clients. Students work on case simulations, problems and IRS forms in the seminar in order to prepare and reinforce the skills needed for client representation. Almost every week the students prepare a different IRS form in preparation for the seminar class in order to learn about the subject, feel the frustrations clients experience in trying to prepare IRS forms and learn how to advocate within the constraints of a form. The seminar also serves as a place for the students in the class to discuss their cases with fellow classmates and work together to figure out the best way to approach difficult case problems.

For more information on the Tax Clinic, please contact Keith Fogg, (617) 390-2532.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Federal Tax Clinic

Course #: 8045 **Term:** 2019SP **Faculty:** Fogg, Keith **Credits:** 5.00

Type: Clinic **Subject Areas:** Procedure & Practice; Taxation

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Federal Tax Clinical Seminar (2 spring classroom 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 11, 2019. LLM Students: LLM students may apply to this clinic by submitting an application. Placement Site: WilmerHale Legal Services Center (Jamaica Plain). The Federal Tax Clinic focuses on assisting low income taxpayers who have a dispute with the IRS. For clients who have a corresponding dispute with the Massachusetts Department of Revenue, the clinic will assist them as well. The Clinic's main practice areas are representing taxpayers litigating in the United States Tax Court, engaging in the audit process and enduring the collection phase of the case. In addition to representing taxpayers from the Boston area, the Clinic takes clients from around the country in order to litigate issue of broad impact to the low income taxpayer community. It also comments on regulations and other types of rule-making that will impact this community. Much of the practice involves working with the IRS as it administers the tax laws. Clinic students work with IRS revenue agents, revenue officers, Appeals Officers, automated call site collection operators and correspondence auditors. No matter which segment of the administrative agency we encounter, the Clinic seeks to provide a voice for the client in a process that can otherwise prove baffling. Students in this clinic gain a lot of direct client experience. Each student usually starts with 4-5 cases representing a variety of the practice areas of the Clinic. The student has primary responsibility for the case and works directly with the client. The supervisors in the Clinic exist to assist and to guide the students as they work with their clients but generally the supervisors have no direct contact with the clients. Because Congress uses the Internal Revenue Code to deliver benefits through provisions such as the earned income tax credit and the advanced child tax credit, the taxpayers have a significant financial interest in their tax disputes. The benefit payments sometimes equal half of a taxpayer's annual income. Represented clients have a much higher statistical chance of prevailing and thus avoiding deep poverty. The Clinic represents clients so that they can retain these benefits in circumstances in which they might give up rather than fight with the IRS in a process they fail to fully comprehend. Additionally, the Clinic represents clients mired in debt. Each semester, the Clinic assists taxpayer in settling their tax debts with the IRS for a fraction of the amount owed and in some cases writing off hundreds of thousands of dollars. These outcomes can be life changing for some clients. The Clinic also seeks to give students the opportunity to work on matters of broader impact in the low income taxpayer community. For the past year the Clinic has identified taxpayers dismissed from the Tax Court as a result of being told the wrong date to file their petition by the IRS. The Clinic filed an amicus brief in the fall of 2015 arguing that the Tax Court had the ability under applicable Supreme Court precedent to equitably toll the time period for filing the petition. The Tax Court rejected this argument though that case was resolved on other grounds and did not result in an appeal. Since that case, the Clinic has filed an amicus brief in the 9th Circuit in the case of a pro se petitioner misled by the IRS notice and filed briefs for clients in the 2nd and 3rd Circuits. The Clinic will argue this issue before the Circuit courts during the Spring 2017 semester. In addition the Clinic has three more cases with the same issue awaiting a decision by the Tax Court which will result in cases in the 4th and 10th Circuits. In the Spring semester 2017 Clinic students are working on writing comments to the IRS on proposed family status regulations as

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

these regulations have a significant impact on our clients.

The seminar component of the Clinic seeks to complement the experience of working directly with the clients. Students work on case simulations, problems and IRS forms in the seminar in order to prepare and reinforce the skills needed for client representation. Almost every week the students prepare a different IRS form in preparation for the seminar class in order to learn about the subject, feel the frustrations clients experience in trying to prepare IRS forms and learn how to advocate within the constraints of a form. The seminar also serves as a place for the students in the class to discuss their cases with fellow classmates and work together to figure out the best way to approach difficult case problems.

For more information on the Tax Clinic, please contact Keith Fogg, (617) 390-2532.

Federal Tax Clinical Seminar

Course #: 2822 **Term:** 2019SP **Faculty:** Fogg, Keith **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Federal Tax Clinic (3-5 spring clinical 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 11, 2019. LLM Students: LLM students may apply to the clinic by submitting an application. Through the Federal Tax Clinical Seminar, students learn the substantive law, procedural context, advocacy skills, and ethical rules necessary for the effective representation of low-income taxpayers before the IRS and in federal court. The seminar will cover an array of topics, including tax practice and procedure at the agency level and in federal court, administrative law, client interviewing, fact investigation, offers in compromise, negotiation, refund litigation, audit reconsideration, innocent spouse defenses, Earned Income Tax Credit (EITC), and evidentiary hearings. The seminar will also consider, through the lens of students' clinical experiences, systemic questions about tax policy, anti-poverty policy, and access to justice for low-income taxpayers. Because the Clinic teaches lawyering skills applicable across numerous practice areas, students are encouraged to enroll whether they have an existing interest in tax law and practice or simply seek an immersive law practice experience through which they can learn valuable skills and provide pro bono representation to those in need.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Federal Tax Clinical Seminar

Course #: 2822

Term: 2018FA

Faculty: Fogg, Keith

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice; Taxation

Delivery Mode: Seminar

Days and Times:

Location

Mon 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Federal Tax Clinic (3-5 fall clinical 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: August 28, 2018. LLM Students: LLM students are eligible to enroll in the clinic through Helios. Through the Federal Tax Clinical Seminar, students learn the substantive law, procedural context, advocacy skills, and ethical rules necessary for the effective representation of low-income taxpayers before the IRS and in federal court. The seminar will cover an array of topics, including tax practice and procedure at the agency level and in federal court, administrative law, client interviewing, fact investigation, offers in compromise, negotiation, refund litigation, audit reconsideration, innocent spouse defenses, Earned Income Tax Credit (EITC), and evidentiary hearings. The seminar will also consider, through the lens of students clinical experiences, systemic questions about tax policy, anti-poverty policy, and access to justice for low-income taxpayers. Because the Clinic teaches lawyering skills applicable across numerous practice areas, students are encouraged to enroll whether they have an existing interest in tax law and practice or simply seek an immersive law practice experience through which they can learn valuable skills and provide pro bono representation to those in need.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Feminist Legal Theory

Course #: 2301 **Term:** 2018FA **Faculty:** Halley, Janet **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:10 PM - 2:40 PM

Tue 1:10 PM - 2:40 PM

Course Description: Prerequisites: None

Exam Type: Last Class Take Home
There will also be a paper option.

This course will examine and compare eight major strands of contemporary North Atlantic feminism: liberal feminism, dominance feminism, cultural feminism, socialist/materialist feminism, economic feminism in a liberal market frame, critical race feminism, postmodern feminism, and the relations between feminism and conservatism. We will read classics in feminist legal theory and case studies allowing us to examine and compare the ways in which various strands of feminism have engaged law and law reform.

Students will write response papers analyzing the reading materials. No prior knowledge of feminism will be presupposed. LLMs are welcomed to enroll.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Financial and Legal Needs of Low and Moderate Income Households

Course #: 2176 **Term:** 2019SP **Faculty:** Charn, Jeanne **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam: No Exam

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) with questions about the course.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

FinTech

Course #: 2832 **Term:** 2019SP **Faculty:** Jackson, Howell; Tahyar, Margaret **Credits:** 1.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

Delivery Mode: Course

Days and Times: **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

The goal of this one-credit course is to explore the impact of emerging technologies on the financial sector. We will examine the ways in which innovations in digital technologies and changes in consumer practices are disrupting traditional business models and financial regulation. Possible topics for coverage include peer-to-peer lending platforms, initial coin offerings, new digital payment systems, robo-advising, algorithmic trading, and technologies employing blockchains and its variants. Class sessions will be built around case studies and reading materials based upon real world topics and cutting edge legal challenges facing entrepreneurs, regulators, lawyers and other gatekeepers. All classes will be scheduled to take place during the first two weeks of semester. There will be no examination, but students will be expected to present and comment upon case studies and also write a short reaction paper after the classes are over.

Note: This class will meet on the following dates: 1/30, 1/31, 2/1, 2/6, 2/7 and 2/8.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Food and Drug Law

Course #: 2091 **Term:** 2019WI **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 - 12:30 PM

Tue 9:00 AM - 12:30 PM

Wed 9:00 AM - 12:30 PM

Thu 9:00 AM - 12:30 PM

Fri 9:00 AM - 12:30 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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 20% 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.

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.

Text: Hutt, Merrill, and Grossman, Food and Drug Law (4th ed. 2014) and Statutory Supplement (2018).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Food Law and Policy

Course #: 2359 **Term:** 2019SP **Faculty:** Broad Leib, Emily **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 1:00 PM - 3:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.
Prerequisites: No prerequisites for JD students. LLM students must seek faculty permission.

Exam Type: No Exam

This seminar will present an overview of topics in food law and policy, and will examine how these laws shape what we eat. In recent years, increasing attention has been paid to a range of issues impacting the food system from farm to fork to landfill. In the past few years, major news stories have covered the U.S. farm bill, labeling of genetically engineered food products, soda taxes, efforts to regulate school meals, and the misleading and unregulated terrain of expiration dates.

In order to better understand these issues and some of their root causes, we will examine food policy via the diverse lenses of farmers, consumers, and corporations, as well as using diverse disciplinary perspectives. Each class will begin with ensuring a shared understanding of the relevant sources of law before delving into policy considerations and discussions of what the law could and should. We will concentrate on food law in the United States, but will also include comparative global perspectives when helpful.

We begin the course by looking at the basic regulation of food, focusing on the history and current issues in rules regarding food safety. We then analyze federal agricultural policy and farm subsidies, and the environmental, health, and safety implications of our agricultural system. The course will cover issues in food labeling, including nutrition information, health claims, GMO labeling, and organic labeling. Students will also examine the role the government plays in determining what foods are consumed, through its Dietary Guidelines, food assistance programs, and other attempts to increase healthy food access or consumption. Finally, we will evaluate a range of existing and potential policy interventions at the federal, state, and local level.

The reading materials will be provided in a course reader and on the course website, and 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.

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 short discussion posts via the online course discussion board; prepare for and participate in in-class role play debates; and write a policy paper that explains a food law problem and recommends a policy change 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 it is open to LLM students by permission.

Some seats are reserved for students in the winter-spring and spring Food Law and Policy clinics. Students

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

who enroll in either the winter-spring or spring Food Law and Policy clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the winter-spring or spring Food Law and Policy clinic, they will also lose their reserved seat in this course. Please note that there is an early drop deadline of November 30, 2018 for winter-spring clinical students and January 11, 2019 for spring clinical students in this course.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Food Law and Policy

Course #: 2359 **Term:** 2018FA **Faculty:** Broad Leib, Emily **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:00 PM - 5:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.
Prerequisites: No prerequisites for JD students. LLM students must seek faculty permission.

Exam Type: No Exam

This seminar will present an overview of topics in food law and policy, and will examine how these laws shape what we eat. In recent years, increasing attention has been paid to a range of issues impacting the food system from farm to fork to landfill. In the past few years, major news stories have covered the U.S. farm bill, labeling of genetically engineered food products, soda taxes, efforts to regulate school meals, and the misleading and unregulated terrain of expiration dates.

In order to better understand these issues and some of their root causes, we will examine food policy via the diverse lenses of farmers, consumers, and corporations, as well as using diverse disciplinary perspectives. Each class will begin with ensuring a shared understanding of the relevant sources of law before delving into policy considerations and discussions of what the law could and should. We will concentrate on food law in the United States, but will also include comparative global perspectives when helpful.

We begin the course by looking at the basic regulation of food, focusing on the history and current issues in rules regarding food safety. We then analyze federal agricultural policy and farm subsidies, and the environmental, health, and safety implications of our agricultural system. The course will cover issues in food labeling, including nutrition information, health claims, GMO labeling, and organic labeling. Students will also examine the role the government plays in determining what foods are consumed, through its Dietary Guidelines, food assistance programs, and other attempts to increase healthy food access or consumption. Finally, we will evaluate a range of existing and potential policy interventions at the federal, state, and local level.

The reading materials will be provided in a course reader and on the course website, and 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.

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 short discussion posts via the online course discussion board; prepare for and participate in in-class role play debates; and write a policy paper that explains a food law problem and recommends a policy change 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 it is open to LLM students by permission.

Some seats are reserved for students in the fall Food Law and Policy clinic. Students who enroll in the fall

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Food Law and Policy clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the fall Food Law and Policy clinic, they will also lose their reserved seat in this course. Please note that there is an early drop deadline of August 28, 2018 for students in this course enrolled in reserved clinical seats.

Food Law and Policy Clinic of the Center for Health Law and Policy Innovation

Course #: 8038 **Term:** 2018FA **Faculty:** Broad Leib, Emily **Credits:** 5.00

Type: Clinic **Subject Areas:** Health Law; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Required Class Component: Food Law and Policy (2 fall classroom credits). Some seats are saved 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. Students who drop this clinic will also lose their seat in the required class component.
Additional Co-/Pre-Requisites: None.
By Permission: No.
Add/Drop Deadline: August 28, 2018.
LLM Students: LLM students may apply to this clinic by submitting an application.
Placement Site: HLS.
The Food Law and Policy Clinic (FLPC) provides students with the opportunity to practice using legal and policy tools in order to address the health, environmental, and economic impacts of our food system. The FLPC utilizes substantive expertise in food law and policy and a robust policy skill set to assist clients and communities in understanding and improving the laws impacting the food system. Clinic projects aim to increase access to healthy foods, prevent diet-related diseases, assist small farmers and producers in participating in food markets, and reduce the waste of healthy, wholesome food.
Students enrolled in the Clinic get hands-on learning experience conducting legal and policy research for individuals, communities, and governments on a wide range of food law and policy issues. Students have the opportunity, for example: to comment on major federal regulations, such as the Food and Drug Administration rules impacting food safety on the farm; to identify and draft legislation to reduce the 40% of food that goes to waste in the U.S.; to train and empower food policy councils and other community coalitions to achieve their food system goals; and to research and recommend policies increasing access to healthy food at all levels of government.
Students will develop a variety of transferable skills in areas such as research, writing, creative problem-solving, project management, oral communication, and leadership. In particular, students will have the opportunity to draft memoranda, white papers, and regulatory comments; conduct statutory interpretation; compose legislation and regulations; petition for agency action; conduct interviews and fact-finding; and train communities about civic engagement, the food system, and policy change. Clinic clients are located around the United States, and some students will have the opportunity to travel, as we work closely with partners in New England, as well as places like Mississippi, West Virginia, and Navajo Nation.
For more information about the clinic, please email Professor Broad Leib at ebroad@law.harvard.edu or visit our clinical suite in the WCC 3130.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Food Law and Policy Clinic of the Center for Health Law and Policy Innovation

Course #: 8038 **Term:** 2019SP **Faculty:** Broad Leib, Emily **Credits:** 5.00

Type: Clinic **Subject Areas:** Health Law; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Students in the spring clinic must enroll in either Food Law and Policy (2 spring classroom credits) or Policy Advocacy Workshop (2 spring classroom 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 enrolled in either course under a clinical seat will lose their seat if they choose to drop the clinic.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: January 11, 2019.

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

Placement Site: HLS.

The Food Law and Policy Clinic (FLPC) provides students with the opportunity to practice using legal and policy tools in order to address the health, environmental, and economic impacts of our food system. The FLPC utilizes substantive expertise in food law and policy and a robust policy skill set to assist clients and communities in understanding and improving the laws impacting the food system. Clinic projects aim to increase access to healthy foods, prevent diet-related diseases, assist small farmers and producers in participating in food markets, and reduce the waste of healthy, wholesome food.

Students enrolled in the Clinic get hands-on learning experience conducting legal and policy research for individuals, communities, and governments on a wide range of food law and policy issues. Students have the opportunity, for example: to comment on major federal regulations, such as the Food and Drug Administration rules impacting food safety on the farm; to identify and draft legislation to reduce the 40% of food that goes to waste in the U.S.; to train and empower food policy councils and other community coalitions to achieve their food system goals; and to research and recommend policies increasing access to healthy food at all levels of government.

Students will develop a variety of transferable skills in areas such as research, writing, creative problem-solving, project management, oral communication, and leadership. In particular, students will have the opportunity to draft memoranda, white papers, and regulatory comments; conduct statutory interpretation; compose legislation and regulations; petition for agency action; conduct interviews and fact-finding; and train communities about civic engagement, the food system, and policy change. Clinic clients are located around the United States, and some students will have the opportunity to travel, as we work closely with partners in New England, as well as places like Mississippi, West Virginia, and Navajo Nation.

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Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Food Law and Policy Clinic of the Center for Health Law and Policy Innovation

Course #: 8038 **Term:** 2019WS **Faculty:** Broad Leib, Emily **Credits:** 7.00

Type: Clinic **Subject Areas:** Health Law; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Required Class Component: Food Law and Policy (2 spring classroom credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. Students who drop this clinic will also lose their seat in the required class component.
Additional Co-/Pre-Requisites: None.
By Permission: No.
Add/Drop Deadline: November 30, 2018.
LLM Students: LLM students are not eligible to apply.
Multi-Semester: This is a winter-spring clinic (2 winter clinical credits + 3-5 spring clinical credits).
Placement Site: HLS.
The Food Law and Policy Clinic (FLPC) provides students with the opportunity to practice using legal and policy tools in order to address the health, environmental, and economic impacts of our food system. The FLPC utilizes substantive expertise in food law and policy and a robust policy skill set to assist clients and communities in understanding and improving the laws impacting the food system. Clinic projects aim to increase access to healthy foods, prevent diet-related diseases, assist small farmers and producers in participating in food markets, and reduce the waste of healthy, wholesome food.
Students enrolled in the Clinic get hands-on learning experience conducting legal and policy research for individuals, communities, and governments on a wide range of food law and policy issues. Students have the opportunity, for example: to comment on major federal regulations, such as the Food and Drug Administration rules impacting food safety on the farm; to identify and draft legislation to reduce the 40% of food that goes to waste in the U.S.; to train and empower food policy councils and other community coalitions to achieve their food system goals; and to research and recommend policies increasing access to healthy food at all levels of government.
Students will develop a variety of transferable skills in areas such as research, writing, creative problem-solving, project management, oral communication, and leadership. In particular, students will have the opportunity to draft memoranda, white papers, and regulatory comments; conduct statutory interpretation; compose legislation and regulations; petition for agency action; conduct interviews and fact-finding; and train communities about civic engagement, the food system, and policy change. Clinic clients are located around the United States, and some students will have the opportunity to travel, as we work closely with partners in New England, as well as places like Mississippi, West Virginia, and Navajo Nation.
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Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Food Law Lab

Course #: 2544 **Term:** 2019SP **Faculty:** Gersen, Jacob **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

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. The writing requirement for the class is four substantive posts for food law lab blog. Students may write on topics of their choosing related to food law and policy.

From Color Line to Colorblind to Color Redefined: America's Struggle with Changing Conceptions of Race

Course #: 2484 **Term:** 2018FA **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: Prerequisite: None

Exam Type: No Exam

This course traces the trajectory of select sentiment, ideology and media relevant to the changing conceptions and associated realities of racial identity in American society. While race has always been a loaded, contested and controversial construct in our American journey, its current and increasingly fluid representation is well removed from its dualistic, color line depiction at the turn of the 20th century. This course will examine these changing racial representations over time within their larger historical context while accounting for the key events and ideologies driving this transformation. Accordingly, such relevant factors as the formation of American racial identity, the long struggle for racial equality, the flaws and promises of traditional civil rights movements, changing demographics, evolving issues of race and marriage, anti-immigrant sentiment, economic turmoil, and sympathy for the loss of whiteness in traditional national identity will be discussed through literature, journalism, and visual media.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Gender and Political Economy

Course #: 2096 **Term:** 2019SP **Faculty:** Halley, Janet **Credits:** 3.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Family, Gender & Children's Law; International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times: **Location**

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

Course Description: Prerequisite: None

Exam: Last Class Take-Home

Examination is by last-class take-home; there will be a paper option but paper writers must take a shortened version of the examination.

This seminar will examine the ways in which theories and practices in political economy create conditions of possibility and constraints in intimate life. The readings will be primarily theoretical and historical, and students will do projects, which they will present to the seminar, on the concrete implications of the readings for legal practices relating to gender, sexuality and the family. Topics will include the relationship between the family and the state in the transition from pre-modern to liberal society; the implications of neoclassical, Marxist, Keynesian, and neoliberal economic thought for the conception of the family and for social policy about families; the thesis that modernization saw the emergence of sexuality as novel and dominant feature of human existence; the duality of the family and the market in liberal political economy; and the roles of the market/family distinction in the making of racial inequality in the United States and in the making of colonial and post-colonial orders. Classic problems will include gender and unpaid labor in the home; gendered patterns in formal and informal labor; provision of care work; state provision of social security/welfare; the regulation of sexual acts and identities; sex crimes and the regulation of sexual wrongdoing; the anti-trafficking system; the commodification of sexuality and sexual services; the family as an economic unit; and the ideological and institutional roles of gender and the family in nationalist, colonial, and post-colonial legal orders. This course is introductory. No prior knowledge of any of these topics and theories is presupposed. Students will work on teams to present case studies to the class, and will write a last-class take-home examination. LLMs are encouraged to enroll.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Gender Violence Legal Policy Workshop

Course #: 2513 **Term:** 2019SP **Faculty:** Rosenfeld, Diane **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:00 PM - 3:00 PM

Course Description: Prerequisite: Students must register for either the Title IX course or the Gender Violence, Law and Social Justice course during this academic year.

Exam Type: No Exam

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 campus sexual assault, intimate partner violence, and sex trafficking and prostitution. We advise government officials (local, state and federal); national, international, and local advocacy groups working to stop gender violence; and individuals needing assistance in knowing their rights or accessing services. Recent activities include submitting comments to the White House Task Force on Protecting Students from Sexual Assault; helping an advocacy organization on preventing domestic violence homicide; and preparing a training for Middlesex County Police Chiefs on investigating sex trafficking rings.

Gender Violence, Law and Social Justice

Course #: 2098 **Term:** 2019SP **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: Prerequisite: None

Exam Type: No Exam

This course offers an in-depth examination of the phenomenon of gender-motivated violence. Following a consideration of the prevalence and variation of types 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 legal strategies to address violence against women been, 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 reality? Among the types of violence against women we will consider are: intimate-partner violence; domestic homicide; prostitution; rape; sex trafficking of women and children; and violence against women 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Geopolitics, Human Rights, and the Future of Statecraft

Course #: 2235

Term: 2018FA

Faculty: Power, Samantha

Credits: 2.00

Type: Elective

Subject Areas: Human Rights

Delivery Mode: Course

Days and Times:

Location

Mon 10:15 AM - 11:30 AM

Wed 10:15 AM - 11:30 AM

Course Description: Prerequisite: None

Exam Type: Midterm and final, administered through HKS

This course will examine the interplay of geopolitics and human rights, with a focus on how the changing dynamics of the international system are influencing the strategy and statecraft for confronting issues with major security and human consequences. We will probe how such factors as the rise of China, divisions within the U.N., and the challenges facing democracies have shaped international responses to past and present global challenges like climate change, Ebola, and the Syrian civil war. We will also look ahead to potential responses to emerging issues like cyber-interference. The course will use concrete cases to understand the factors behind successful crisis management or mitigation, asking what these lessons portend for the future, and for the actions of governments, NGOs, and activists.

Note: This course will be cross-listed with HKS and will meet at HKS.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Global Anticorruption Lab

Course #: 2646 **Term:** 2018FA **Faculty:** Stephenson, Matthew **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 5:10 PM - 7:10 PM

Course Description: Prerequisite: 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.)

Exam Type: No Exam

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 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Global Anticorruption Lab

Course #: 2646 **Term:** 2019SP **Faculty:** Stephenson, Matthew **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: 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.)

Exam Type: No Exam

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 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.

Global Law and Governance

Course #: 2101 **Term:** 2018FA **Faculty:** Kennedy, David **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

Course Description: Prerequisite: None

Exam Type: Last Class Take-Home

This course explores laws role in global affairs. We will examine the history of ideas, legal doctrines, institutional and administrative structures intended to organize and legalize international economic and political life. The readings will provide a common background for exploring and comparing efforts both to remake the world and re-imagine law. As we analyze our inheritance from that tradition, we will assess recent efforts to rethink laws role in light of twenty first century political, economic and cultural challenges.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Global Torts Litigation

Course #: 2150 **Term:** 2018FA **Faculty:** Steinitz, Maya **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.

Prerequisite: None

Exam Type: No Exam

In this reading group, we will explore the cutting-edge issues in global mass tort litigation: what are the forces that conspire to prevent access to justice for victims of mass harms; what might be solutions to the access to justice problem; what are common strategies employed by corporate defendants to evade/avoid liability; what are common strategies employed by plaintiffs and their lawyers to nonetheless prevail and; how are legal systems around the world changing their laws in a chase to either facilitate or block transnational mass tort litigation. We will do so by reading through my forthcoming book, "The Case for an International Court of Civil Justice."

In addition to exploring the above issues, the book -- and our class discussions -- will look in-depth at three such cases: the Bhopal litigation (industrial mass accident in India), the Chevron & Ecuador litigation (largest and longest-running environmental dispute of all times) and Kiobel (human rights abuses in Nigeria). I will also assign one or two movies that do a good job of illustrating and humanizing the complexities of transnational mass tort litigation for discussion.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Governing Virtual Worlds

Course #: 2647

Term: 2019SP

Faculty: Lessig, Lawrence

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance; Constitutional Law & Civil Rights; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Regulatory Law

Delivery Mode: Seminar

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This seminar will explore the logic and practice of governance in virtual worlds. The domain will include actual virtual communities, either existing in the past or currently, as well as communities just on the horizon. The objective will be to explore modalities of regulation, and evidence of the potential tradeoffs among interventions. If successful, the seminar will force a reflection on the choices within real space governance architectures, and ways we might make those choices better.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Government Lawyer

Course #: 2103

Term: 2018FA

Faculty: Whiting, Alex

Credits: 3.00

Type: Elective

Subject Areas: Government Structure & Function; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description:

Students who enroll in this course may count the credits towards the JD professional responsibility requirement.

Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.

Prerequisite: None

Exam Type: No Exam

A paper will be required in lieu of an examination.

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.

Some seats are reserved for students in the fall or spring Government Lawyer: United States Attorney clinic. Students who are accepted into the fall or spring Government Lawyer: United States Attorney clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the fall or spring Government Lawyer: United States Attorney clinic, they will also lose their reserved seat in this course. Please note that this course has early drop deadlines for students enrolled in reserved clinical seats - the drop deadline for fall clinical students is May 11, 2018; the drop deadline for spring clinical students is August 28, 2018.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Government Lawyer: Attorney General Clinic

Course #: 8015 **Term:** 2018FA **Faculty:** Tierney, James **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: The Role of the State Attorney General (2 fall classroom 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. If a student drops the clinic, they will also lose their seat in the required course. Additional Co-/Pre-Requisites: None.
By Permission: No.
Add/Drop Deadline: Please note this clinic has a drop deadline of August 3, 2018.
LLM Students: 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)
Students must enroll for a minimum of 4 clinical credits (16 hours per week) and must have at least one full day available in their schedules to spend at the Attorney Generals Office. Remaining hours may be completed as half-days (or additional full days). Most offices are open Monday-Friday from 9am-5pm. Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic (clinical@law.harvard.edu or 617-495-5202).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Government Lawyer: Attorney General Clinic

Course #: 8015

Term: 2019SP

Faculty: Tierney, James

Credits: 5.00

Type: Clinic

Subject Areas: Government Structure & Function; Procedure & Practice

Delivery Mode: Clinic

Days and Times:

Location

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: The Role of the State Attorney General (2 fall classroom 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. If a student drops the clinic, they will also lose their seat in the required course. Additional Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: Please note this clinic has an early drop deadline of August 28, 2018. LLM Students: LLM students interested in this clinic should be in contact with the clinic directly. 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) Students must enroll for a minimum of 4 clinical credits (16 hours per week) and must have at least one full day available in their schedules to spend at the Attorney Generals Office. Remaining hours may be completed as half-days (or additional full days). Most offices are open Monday-Friday from 9am-5pm. Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic (clinical@law.harvard.edu or 617-495-5202).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Government Lawyer: Attorney General Clinic

Course #: 8015 **Term:** 2019WI **Faculty:** Tierney, James **Credits:** 2.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: The Role of the State Attorney General (2 fall classroom 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. If a student drops the clinic, they will also lose their seat in the required course. Additional Co-/Pre-Requisites: None.
By Permission: No.
Add/Drop Deadline: Please note this clinic has an early drop deadline of August 28, 2018.
LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.
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 over winter term 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 2018 were involved in various divisions of State AG offices: environment, criminal trials and appeals, human trafficking, civil defense, opinions and consumer protection. Students are placed in offices across the country 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. Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic (clinical@law.harvard.edu or 617-495-5202).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Government Lawyer: Semester in Washington Clinic

Course #: 8016 **Term:** 2019SP **Faculty:** Wroblewski, Jonathan **Credits:** 8.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Required Class Component: Government Lawyer: Semester in Washington Clinical Seminar (3 spring classroom 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 24, 2018.
Add/Drop Deadline: January 11, 2019.
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 seminar course (twice a week during the term) on government lawyering. Students are required to work at least 32 hours a week in the spring term, although most work full-time. 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 so that students can find placements to meet their interest. During the clinic, the director will be available to meet one-on-one with students 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 so students can find a placement in his or her interest area.
This option is for the spring clinic. There is also a separate winter-spring clinic option, where students also spend 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 the current 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, and a writing sample of no more than 10 pages. Apply through an online application form by August 24, 2018.
Students should be aware of their yearly HLS credit minimums, as the spring semester is spent entirely off campus (student will receive 8 spring clinical credits + 3 spring course credits + 1 writing credit for a total of 12 spring semester credits).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Government Lawyer: Semester in Washington Clinic

Course #: 8016 **Term:** 2019WS **Faculty:** Wroblewski, Jonathan **Credits:** 10.00

Type: Clinic **Subject Areas:** Government Structure & Function; Procedure & Practice; Regulatory Law

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Required Class Component: Government Lawyer: Semester in Washington Clinical Seminar (3 spring classroom 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 24, 2018.
Add/Drop Deadline: November 30, 2018.
LLM Students: LLM students are not eligible to enroll.
Multi-Semester: This is a winter-spring clinic (2 winter clinical credits + 8 spring clinical 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 seminar course (twice a week during the spring) on government lawyering. Students are required to work full-time over the winter term (40 hours per week) and at least 32 hours per week in the spring term, although most work full-time during the spring term as well. 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 so that students find placements to meet their interests. During the clinic, the director will be available to meet one-on-one with students 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 so students find a placement in his or her interest area.
This option is for the winter and 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 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, and a writing sample of no more than 10 pages. Apply through an online application form by August 24, 2018.
Students should be aware of their yearly HLS credit minimums, as the winter and spring semesters are spent entirely off campus (student will receive 2 winter clinical credits + 8 spring clinical credits + 3 spring course credits + 1 writing credit for a total of 14 winter and spring semester credits).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Government Lawyer: Semester in Washington Clinical Seminar

Course #: 2104 **Term:** 2019SP **Faculty:** Wroblewski, Jonathan **Credits:** 3.00

Type: Elective **Subject Areas:** Government Structure & Function; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

Delivery Mode: Course

Days and Times: **Location**

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Government Lawyer: Semester in Washington Clinic, either during winter-spring (2 winter clinical credits + 8 spring clinical credits) or spring clinic (8 spring clinical 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 24, 2018.

Add/Drop Deadline: November 30, 2018 for winter-spring clinical students. January 11, 2019 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 full-time (40 hours per week) over the winter term (if they begin their clinical placement then) and at least 32 hours per week in the spring term, although most students work full-time 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.

Students attend the evening seminar course twice a week during the spring term. 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 and why 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. 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 course 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 the current years syllabus, course requirements, events, funding, housing, placements, etc.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

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, and a writing sample of no more than 10 pages. Apply through an online application form by August 24, 2018.

Students should be aware of their yearly HLS credit minimums, as the spring semester is spent entirely off campus (student will receive 8 spring clinical credits + 3 spring course credits + 1 writing credit for a total of 12 spring semester credits). Students who begin their clinical placement in the winter term receive an additional two winter clinical credits).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Government Lawyer: United States Attorney Clinic

Course #: 8017 **Term:** 2018FA **Faculty:** Whiting, Alex **Credits:** 5.00

Type: 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: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Government Lawyer (3 fall classroom credits). Some seats are reserved for clinical students. Students who are accepted into this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. If a student drops the clinic, they will also lose their seat in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: Yes - applications are due March 26, 2018.

Add/Drop Deadline: May 11, 2017.

LLM Students: LLM students are not eligible to enroll.

Placement Site: Various externship placements at the U.S. Attorneys office in Boston.

This clinic must be taken for 5 clinical credits (20 hours per week).

Students must attend a mandatory training session during the first week of classes.

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. Attorneys Office.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Students should have at least one full day available in their schedules for clinical work, and the additional hours worked must be for at least 5 hours at a time (20 hours per week is required). Most offices are open Monday-Friday from 9am-5pm.

Applications are due March 26, 2018 to Maureen Worth (mworth@law.harvard.edu). Applications should include a resume and a statement of interest no longer than 250 words. Students will be notified of their application results by April 6. Accepted students will be enrolled in the clinic and the required fall course component by the Office of Clinical and Pro Bono Programs. There will be a required security clearance meeting for students accepted into the fall 2018 clinic on Wednesday, April 11 at 12pm.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Government Lawyer: United States Attorney Clinic

Course #: 8017 **Term:** 2019SP **Faculty:** Whiting, Alex **Credits:** 5.00

Type: 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: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Government Lawyer (3 fall classroom credits). Some seats are reserved for clinical students. Students who are accepted into this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. If a student drops the clinic, they will also lose their seat in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: Yes - applications are due March 26, 2018.

Add/Drop Deadline: Please note this clinic has an early drop deadline of August 28, 2018.

LLM Students: LLM students are not eligible to enroll.

Placement Site: Various externship placements at the U.S. Attorneys office in Boston.

This clinic must be taken for 5 clinical credits (20 hours per week).

Students must attend a mandatory training session during the first week of classes.

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Students should have at least one full day available in their schedules for clinical work, and the additional hours worked must be for at least 5 hours at a time (20 hours per week is required). Most offices are open Monday-Friday from 9am-5pm.

Applications are due March 26, 2018 to Maureen Worth (mworth@law.harvard.edu). Applications should include a resume and a statement of interest no longer than 250 words. Students will be notified of their application results by April 6. Accepted students will be enrolled in the clinic and the required fall course component by the Office of Clinical and Pro Bono Programs.

Great Cases of the Supreme Court

Course #: 2208

Term: 2018FA

Faculty: Greenaway, Joseph

Credits: 1.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Legal History

Delivery Mode: Reading Group

Days and Times:

Location

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Students will be required to submit one or two very short reaction emails based on the readings.

What makes a case great? Why do some cases take on a life of their own, requiring study and comment from every angle by generation after generation of lawyers, law professors, law students and students of the Supreme Court? In this reading group, we shall focus on great cases over the course of the history of the Court - Marbury, Brown, Roe v. Wade, Loving, Miranda, Gideon, and others. The predominant focus will be to discuss the historical context surrounding these cases and dissect them in a manner that will inform their role in the Court's history. The majority of the readings will be the cases.

Note: Meeting dates are as follows: September 6, 13, 20, October 11, 25, and November 1.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Harvard Immigration and Refugee Clinic

Course #: 8020 **Term:** 2018FA **Faculty:** Anker, Deborah **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Immigration and Refugee Advocacy (2 fall classroom 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: August 28, 2018.

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

Placement Site: Either HLS or GBLS (downtown Boston).

For thirty 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 sixteen and twenty hours per week (4-5 clinical credits).

Students who have taken the course "Emerging Issues in Refugee Protection: The Representation of Child Asylum Seekers" may request a clinical seminar waiver by contacting the clinic directly.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Harvard Immigration and Refugee Clinic

Course #: 8020 **Term:** 2019SP **Faculty:** Ardalan, Sabrineh **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Immigration and Refugee Advocacy (2 spring classroom 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 11, 2019. LLM Students: LLM students may apply to this clinic by submitting an application. Placement Site: Either HLS or GBLS (downtown Boston). For thirty 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 are encouraged to sign up for either sixteen and twenty hours per week (4-5 clinical credits). Students who have taken the course "Emerging Issues in Refugee Protection: The Representation of Child Asylum Seekers" may request a clinical seminar waiver by contacting the clinic directly.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Harvard Legal Aid Bureau 2L

Course #: 8000

Term: 2018FS

Faculty: Caramello, Esme

Credits: 8.00

Type: Clinic

Subject Areas: Procedure & Practice

Delivery Mode: Clinic

Days and Times:

Location

Course Description:

Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Introduction to Advocacy: Ethics and Skills in Clinical Practice (2 fall classroom credits + 1 spring classroom 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 and TAW. Students must enroll in Evidence during the fall of their 2L year and in TAW during the winter of their 2L year. Enrollment in Evidence and TAW is separate from clinic enrollment.

By Permission: Yes. Applications are due to the clinic by March 19, 2018.

Add/Drop Deadline: July 30, 2018.

LLM Students: LLM students are not eligible to enroll.

Multi-Semester: This is a fall-spring clinic (4 fall clinical credits + 4 spring clinical credits).

Placement Site: HLS.

This clinic has a mandatory orientation from approximately August 19-26.

The Harvard Legal Aid Bureau is a student-run civil legal aid 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 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 and housing discrimination; family law, including divorce, child custody, paternity, visitation, support, and Special Immigrant Juvenile Status issues; fair wage law, including nonpayment or underpayment of wages; and government benefits law, including appeals of the denial or termination of unemployment or social security disability benefits. Because the Bureau is student-run, students take the lead in setting organizational policy and exploring potential new areas or modes of practice. 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Harvard Legal Aid Bureau 3L

Course #: 8010 **Term:** 2018FS **Faculty:** Caramello, Esme **Credits:** 8.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Required Class Component: Advanced Clinical Practice (1 fall classroom credit + 1 spring classroom credit). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.
Additional Co-/Pre-Requisites: 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: None.
LLM Students: LLM students are not eligible to enroll.
Multi-Semester: This is a fall-spring clinic (4 fall clinical credits + 4 spring clinical credits).
Placement Site: HLS.
The Harvard Legal Aid Bureau is a student-run civil legal aid 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 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 and housing discrimination; family law, including divorce, child custody, paternity, visitation, support, and Special Immigrant Juvenile Status issues; fair wage law, including nonpayment or underpayment of wages; and government benefits law, including appeals of the denial or termination of unemployment or social security disability benefits. Because the Bureau is student-run, students take the lead in setting organizational policy and exploring potential new areas or modes of practice. 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Harvard Negotiation and Mediation Clinic

Course #: 8019 **Term:** 2018FA **Faculty:** Viscomi, Rachel **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic may fulfill the HLS JD pro bono requirement depending on project assignment. Please contact the Office of Clinical and Pro Bono Programs (clinical@law.harvard.edu) for more information.

Required Class Component: Negotiation and Mediation Clinical Seminar (1 fall classroom 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 have completed the Negotiation Workshop to enroll in this fall clinic.

By Permission: No.

Add/Drop Deadline: Please note this clinic has an early drop deadline of August 3, 2018.

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. Past 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 a listing of current and past clinic clients, please visit the HNMCP 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Harvard Negotiation and Mediation Clinic

Course #: 8019 **Term:** 2019SP **Faculty:** Viscomi, Rachel **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic may fulfill the HLS JD pro bono requirement depending on project assignment. Please contact the Office of Clinical and Pro Bono Programs (clinical@law.harvard.edu) for more information.

Required Class Component: Dispute Systems Design (2 spring classroom credits). Some seats are saved 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. If a student drops the clinic, they will also lose their seat in the required class component.

Additional Co-/Pre-Requisites: Negotiation Workshop. Students must have completed the Negotiation Workshop prior to enrolling in the clinic. Failure to meet the pre-requisite by the clinic's add/drop deadline will result in the student being dropped from this clinic and the required course. Students enrolled in the winter-spring 2019 Negotiation Workshop will qualify for meeting this pre-requisite.

Add/Drop Deadline: Please note this clinic has an early drop deadline of November 30, 2018.

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

Placement Site: HLS.

Please note: Students who enroll in this spring clinic who have not yet taken the Negotiation Workshop must enroll in the winter-spring 2019 Negotiation Workshop to keep their clinical enrollment. Enrollment in the winter-spring 2019 Negotiation Workshop is completely separate from clinical registration. Students who enroll in this spring clinic but then fail to enroll in the winter-spring Negotiation Workshop will lose their seat in this spring clinic.

Students in the Negotiation and Mediation Clinic 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. Past 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 a listing of current and past clinic clients, please visit the HNMCP website.

If you have questions about the clinic, please email Tracy Blanchard at tblanchard@law.harvard.edu.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Health Care Reform

Course #: 2340

Term: 2018FA

Faculty: Sohoni, Mila

Credits: 1.00

Type: Elective

Subject Areas: Health Law

Delivery Mode: Reading Group

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Since its enactment in 2010, the Affordable Care Act has had enormous effects upon insurers, businesses, medical practitioners, and individual consumers of health care. It has also had significant consequences in the areas of constitutional law, statutory interpretation, and administrative law. In this reading group, we will examine health care reform's broader implications for these domains of public law. Our primary focus will be on the Affordable Care Act's statutory and regulatory framework and on the legislative, administrative, and judicial responses to that framework.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Health Care Rights in the Twenty-First Century

Course #: 2989 **Term:** 2018FA **Faculty:** Shachar, Carmel; Costello, Kevin **Credits:** 2.00

Type: Elective **Subject Areas:** Government Structure & Function; Health Law; Human Rights

Delivery Mode: Seminar

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.

Prerequisite: None

Exam Type: No Exam

Health care has become a dominant political issue in contemporary America - to the point of swaying national elections and consuming congressional calendars. Underlying this political debate is the fundamental question whether Americans enjoy a basic entitlement to health care. This course will briefly trace the history of the American conception of health care rights through the last half-century of administrative and political cycles. We will contrast a diverse array of ideological perspectives over this progression to understand the context of the current climate.

Building on this background, we will consider a broad range of rights-affording sources across the landscape of the modern American health care system: Federal civil rights statutes; the laws and agreements that govern public and private health insurance arrangements; data privacy and ownership rights; and other state and federal statutes that govern health care consumers, insurers, institutions and spending. We will also consider negative rights in the context of the now defunct individual mandate of the Affordable Care Act and relevant Religious Freedom Restoration Act developments. We will place congressional and common law health care rights provisions in the broader context of civil rights jurisprudence, including anti-discrimination regimes. Applying a lens of civil rights and enforcement to these sources of law, we will consider differing avenues available to achieve enforcement of health care rights, including through administrative and policy-based advocacy, as well as more formalized litigation.

The seminar is designed to be limited lecture, incorporating debates, role-plays, and other interactive sessions. Class participation is expected. The seminar will culminate in a student project arising from the course materials. Students will have the option of further honing their health care rights skills by participating in the Health Law and Policy Clinic in conjunction with this seminar.

The seminar will appeal to law students interested in working across the spectrum of the health care field generally, to those interested in the intersection between law and health care, and to those who aspire to be civil rights lawyers.

Some seats are reserved for students in the fall Health Law and Policy clinic. If a student drops the fall Health Law and Policy clinic, they will also lose their reserved seat in this course. Please note that this course has an early drop deadline for students enrolled in reserved clinical seats.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Health Law and Policy Clinic of the Center for Health Law and Policy Innovation

Course #: 8033 **Term:** 2019SP **Faculty:** Greenwald, Robert **Credits:** 5.00

Type: Clinic **Subject Areas:** Health Law; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Students in the spring clinic must enroll in either Public Health Law and Policy (2 spring classroom credits) or Policy Advocacy Workshop (2 springclassroom 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 enrolled in either course under a clinical seat will lose their seat if they choose to drop the clinic.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: January 11, 2019.

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 work on cutting-edge legislative, regulatory and litigation projects at the state and national levels aimed at increasing access to quality, comprehensive health care for low-income individuals and families. Student projects involve: informing current debate on health reform efforts; providing law and policy analysis to national and state coalitions advocating to protect Medicaid, Medicare and discretionary health and public health programs; investigating best practices for initiatives to address health disparities and reduce barriers to health care for our most vulnerable populations; and litigating to address unfair and discriminatory public and private health insurance practices.

National level work involves advising government actors and leading chronic illness and disability partnerships to promote 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 and to support advocacy and litigation strategy development on a broad range of current health and public health concerns. (See the clinic website at 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, draft legislation, regulatory guidance and litigation-oriented document production. Students have the opportunity to develop a range of problem-solving, policy analysis, research and writing, oral communication, advocacy and leadership skills.

Students who would like to participate in the clinic must enroll through clinical registration. Clinical placements are available for 3, 4, or 5 clinical credits. Students who enroll in the clinic will also be enrolled in one of the two required seminars by the Office of Clinical and Pro Bono Programs. Enrollment in either seminar is dependent on your clinical enrollment (should you drop the clinic, you will also be dropped from the seminar).

For more information about the clinic please email Professor Robert Greenwald at rgreenwa@law.harvard.edu or visit our clinical suite in the WCC 3130.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Health Law and Policy Clinic of the Center for Health Law and Policy Innovation

Course #: 8033 **Term:** 2018FA **Faculty:** Greenwald, Robert **Credits:** 5.00

Type: Clinic **Subject Areas:** Health Law; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Students in the fall clinic must enroll in either Public Health Law and Policy (2 fall classroom credits) OR Health Care Rights in the Twenty-First Century (2 fall classroom 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.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 28, 2018.

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 work on cutting-edge legislative, regulatory and litigation projects at the state and national levels aimed at increasing access to quality, comprehensive health care for low-income individuals and families. Student projects involve: informing current debate on health reform efforts; providing law and policy analysis to national and state coalitions advocating to protect Medicaid, Medicare and discretionary health and public health programs; investigating best practices for initiatives to address health disparities and reduce barriers to health care for our most vulnerable populations; and litigating to address unfair and discriminatory public and private health insurance practices.

National level work involves advising government actors and leading chronic illness and disability partnerships to promote 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 and to support advocacy and litigation strategy development on a broad range of current health and public health concerns. (See the clinic website at 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, draft legislation, regulatory guidance and litigation-oriented document production. Students have the opportunity to develop a range of problem-solving, policy analysis, research and writing, oral communication, advocacy and leadership skills.

Students who would like to participate in the clinic must enroll through clinical registration. Clinical placements are available for 3, 4, or 5 clinical credits. Students who enroll in the clinic will also be enrolled in the required seminar (Public Health Law and Policy or Health Care Rights in the Twenty-First Century, 2 fall classroom credits) 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 or visit our clinical suite in the WCC 3130.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Health Law, Policy, Bioethics, and Biotechnology Workshop

Course #: 2652

Term: 2018FA

Faculty: Cohen, I. Glenn

Credits: 2.00

Type: Elective

Subject Areas: Health Law

Delivery Mode: Seminar

Days and Times:

Location

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

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. 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:

<http://petrieflom.law.harvard.edu/events/by-type/category/workshops>

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Hedge and Private Equity Funds: Law and Policy

Course #: 2768 **Term:** 2019SP **Faculty:** Spamann, Holger; Mital, Manish **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: One of the following courses is required as a prerequisite: Bankruptcy, Corporate Finance, Corporations, Securities Regulation, or Taxation.

Exam: No Exam

Instead of an exam, students will write a 15-page paper on an assigned topic due on the last day of class.

This class will introduce private investment funds – namely hedge and private equity funds and related investment vehicles – from the practitioner’s perspective, and discuss the foundational issues of corporate, securities, regulatory, and tax law that they raise. The course will begin by introducing and defining these funds. The first part of the class will then examine the main structural issues relating to such funds’ organization, investments, internal operations, and relationships with investors. A particular focus will be the impact of regulations on structure, and the considerations and policy concerns of institutional investors. The second part of the class will survey issues raised by the intersection of funds with markets and the economy, in particular their relationship to the financial services industry and to the real economy. This part will consider externalities—positive and negative—of fund strategies, including systemic risk. The course will conclude with a macro perspective on the future of the fund industry.

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. One theme that will emerge is that fund strategies are at the center of many of the most pressing current issues in corporate and financial law. Funds drive industry transformations and undergird market efficiency but also continually attempt to exploit loopholes in the current regulatory and tax regime. They thereby expose the fault lines of the current regulatory and tax structure, which the course will reexamine. Sessions will be a mix of lectures and class discussions, and a number of sessions will feature guests with particular industry expertise.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

History of Policing

Course #: 2971 **Term:** 2019SP **Faculty:** Lvovsky, Anna **Credits:** 2.00

Type: Elective **Subject Areas:** Criminal Law & Procedure; Legal History

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam
This seminar will examine the history of policing in the United States. Topics include the emergence of a uniformed police force in the nineteenth century, the police professionalization movements of the Progressive Era and twentieth century, law enforcement during Prohibition, militarization, and the rise of community policing in the 1980s. We will consider the extent to which trends in American policing have been unique or reflected broader global shifts in law enforcement; the dynamic relationship between police practices and judicial rules governing state power; the role of unions; the relationship between municipal police forces and more specialized federal agencies; and the roles of race, class, and gender in law enforcement. Students may choose to submit either one longer seminar paper or two shorter papers over the course of the semester.

Housing Law and Policy

Course #: 2270 **Term:** 2019SP **Faculty:** 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: Prerequisites: None
Exam Type: No Exam
This course will provide an introduction to U.S. housing law and policy with a focus on low- and moderate-income tenants and homeowners. We will examine the state of public housing and federal housing subsidies; code enforcement; foreclosures and neighborhood stabilization; gentrification and displacement; affordable housing development; fair housing and racial segregation; and evictions and access to justice. The class will draw on students' experiences in clinical placements and other professional settings as well as the perspectives of a variety of players in the housing market -- among them developers, tenants, organizers, lobbyists, judges, government officials, and practicing lawyers -- who will appear as guest panelists. Through this course, students will develop the background necessary to understand and evaluate the various strategies that housing advocates and activists are using - or might use - to promote housing justice in the United States. 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, before or during this course, to apply for membership in the Harvard Legal Aid Bureau (during the Spring of 1L year) or to enroll in the Housing Law Clinic or the Predatory Lending and Consumer Protection Clinic at the WilmerHale Legal Services Center. The course is appropriate for students pursuing graduate work in other disciplines, including government, design, education, and business, and cross-registrants are welcomed.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Housing Law Clinic

Course #: 8034 **Term:** 2018FA **Faculty:** McDonagh, Maureen **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Housing Law Clinical Seminar (2 fall classroom 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: August 28, 2018. LLM Students: LLM students interested in this clinic should be in contact with the clinic directly. Placement Site: WilmerHale Legal Services Center (Jamaica Plain).

As part of a broad coalition of legal services providers and community organizers, The Housing Clinic represents low-income tenants who are facing eviction and at risk of homelessness. 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 Housing 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.

Housing Clinic students may also participate in the Housing Justice for Survivors Project which represents tenants who are survivors of domestic violence and sexual assault. Housing Justice for Survivors clients may be facing loss of housing as a result of abuse, or may need to quickly relocate to safer alternative housing. Students provide trauma-informed representation to survivors facing housing instability as a result of abuse in a variety of different settings including: housing court, housing authority/administrative proceedings, and affirmative 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 or Clinical Instructor Julia Devanthery, jdevanthery@law.harvard.edu

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Housing Law Clinic

Course #: 8034 **Term:** 2019SP **Faculty:** McDonagh, Maureen **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Housing Law Clinical Seminar (2 spring classroom 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.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

Placement Site: WilmerHale Legal Services Center (Jamaica Plain).

As part of a broad coalition of legal services providers and community organizers, The Housing Clinic represents low-income tenants who are facing eviction and at risk of homelessness. 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 Housing 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.

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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 or Clinical Instructor Julia Devanthery, jdevanthery@law.harvard.edu

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Housing Law Clinical Workshop

Course #: 2199 **Term:** 2019SP **Faculty:** McDonagh, Maureen; Devanthery, Julia **Credits:** 2.00
Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Family, Gender & Children's Law; Procedure & Practice

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Housing Law Clinic (3-5 spring clinical 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 11, 2019. LLM Students: LLM students interested in this clinic should be in contact with the clinic directly. The Housing Law Clinical Workshop provides students, who are enrolled in the Legal Services Centers 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, especially in student led case rounds discussions. This workshop is a required component for students working in the Housing Law Clinic of the Legal Services Center. 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 in Court. For more information on the Clinic, contact Lecturer/Clinical Instructor Maureen McDonagh, mcdonagh@law.harvard.edu or Clinical Instructor Julia Devanthery, jdevanthery@law.harvard.edu

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Housing Law Clinical Workshop

Course #: 2199 **Term:** 2018FA **Faculty:** McDonagh, Maureen; Devanthery, Julia **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: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Housing Law Clinic (3-5 fall clinical 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: August 28, 2018.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

The Housing Law Clinical Workshop provides students, who are enrolled in the Legal Services Centers 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 Housing Law Clinic of the Legal Services Center.

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 in Court.

For more information on the Clinic, contact Lecturer/Clinical Instructor Maureen McDonagh, mcdonagh@law.harvard.edu or Clinical Instructor Julia Devanthery, jdevanthery@law.harvard.edu.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Human Rights

Course #: 2486

Term: 2018FA

Faculty: Engle, Karen

Credits: 3.00

Type: Elective

Subject Areas: Human Rights

Delivery Mode: Course

Days and Times:

Location

Tue 10:20 AM - 11:50 AM

Wed 10:20 AM - 11:50 AM

Course Description: Prerequisites: None

Exam Type: Last Class Take-Home

The course considers some of the most pressing global issues of our time through an overview of the history, theory, and practice of international human rights law, as well as the related fields of international humanitarian and criminal law. It identifies decades-long tensions about the legitimacy and meaning of human rights, with a focus on how those tensions are manifested in the case law of adjudicatory and quasi-adjudicatory legal institutions created by international and regional treaties, as well as by domestic courts. Much of the course is organized around in-depth and comparative study of the adjudication of human rights claims about matters including racial, gender, and sexual equality; rights to property, housing, and health; rights of indigenous peoples; religion and culture; and humanitarian law. As a part of the course, students will work in teams to select, edit, analyze, and present a legal opinion on human rights to the rest of the class.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Human Rights Advocacy

Course #: 2510 **Term:** 2018FA **Faculty:** Crowe, Anna; Htun, Yee Mon **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 3:00 PM - 5:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: International Human Rights Clinic (3-5 fall clinical credits). Students enrolled in the fall clinic must enroll in either this clinical seminar or Armed Conflict and Civilian Protection (2 fall classroom credits). Students are not guaranteed their first choice of clinical seminars. Clinical seminar selection and enrollment occurs once a student has enrolled in the fall clinic and is orchestrated by the Office of Clinical and Pro Bono Programs. Additional Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: August 28, 2018. 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 simulations, 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 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Human Rights Advocacy

Course #: 2510 **Term:** 2019SP **Faculty:** Farbstein, Susan **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:10 PM - 3:10 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: International Human Rights Clinic (3-5 spring clinical 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 11, 2019. LLM Students: LLM students may apply to the clinic by submitting an application. Advocates around the world rely upon human rights law, language, and methodologies in the struggle for social justice. While human rights law provides guidance on an astonishing range of issues—corporate accountability in South Africa, transitional justice in Myanmar, 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 meaningful, sustainable change. This seminar aims to be a critical, contextualized, and participatory exploration of what it means to be a human rights advocate, from a lawyer’s perspective. The course examines fundamental concepts, skills, and approaches to human rights advocacy, including the ethical, strategic, and legal dimensions of this work. Through case studies, role plays, and guided discussion, we will grapple with tough questions that confront every human rights practitioner, including:

- What is the proper mandate of a human rights advocate?
- What is responsible, effective human rights advocacy?
- What are appropriate responses to critiques of the human rights movement?
- How can human rights be harnessed to successfully influence and change behavior?
- Is it possible to engage in human rights advocacy without perpetuating power differentials along geopolitical, class, race, gender, economic, and other divides?
- How does an advocate forge meaningful, collaborative partnerships with individuals and communities directly affected by abuse?
- What skills and methodologies are best suited to lawyering in the human rights field?
- How can human rights advocates practice self-care and cultivate resilience and optimism in the face of such challenging work?

This course is designed to encourage critical evaluation of the human rights movement, as well as the implications for practice today, while learning how to responsibly advance social justice. Students will workshop and reflect on their participation in supervised clinical projects, which provide rich material for discussions about skills such as fact-finding, media outreach, advocacy, constituency-building, and litigation. Students will also consider a series of identity-based dynamics (e.g., north/south, insider/outsider, donor/donee, lawyer/non-lawyer) that influence how and why advocacy is formulated and received. Finally, students will consider the limits of the human rights paradigm and its established methodologies, as well as alternative models and forms of advocacy, including the role of community lawyering in the human rights context.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Human Rights and Community Lawyering

Course #: 2360 **Term:** 2018FA **Faculty:** Atuguba, Raymond **Credits:** 2.00

Type: Elective **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

"Human Rights" has become the "opium of the [poor] people", providing "a high", a "boom", and then a "dislocation". So, enter "Community Lawyering", a "very ambitious undertaking", "opaque and difficult", to assist. Innovative and compelling, Community Lawyering has a huge capacity for radical, significant, progressive change. Yet, it has hidden within its interstices, a broad breadth for not-so-easy-to-resolve tensions and then trade-offs. In recent times, it is not just poor, rural, underserved communities that are in need of Community Lawyering; rich, urban, upscale communities increasingly do, further muddying the waters.

In this seminar, and against this backdrop, we will locate ourselves at the intersection of the two concepts of "Human Rights" and "Community Lawyering", and examine how the rhetoric, language, and practice of Human Rights redefines, retrofits, re-energizes, and empowers communities of ideas, peoples, places and practice. We will also examine instances when it achieves the opposite.

Using student-led presentations on Community Lawyering efforts across the globe (successes and failures alike), we will explore deep theoretical questions about lawyering, activism, social movement, community, "em-power-ment", public interest, human rights, social justice, development, and their opposites.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Human Rights in the UN Treaty Bodies

Course #: 2343

Term: 2019SP

Faculty: Neuman, Gerald

Credits: 1.00

Type: Elective

Subject Areas: Human Rights; International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: By permission of instructor. Students who have taken either the 1L or upper-level International Human Rights introductory course at HLS do not actually need special permission to enroll, but for technical reasons they should contact the instructor so that he can facilitate registration; other students who have not taken that course but believe that they have equivalent preparation may contact the instructor for permission to enroll. Auditing will not be permitted.

Exam Type: No Exam

Grading will be based on class participation and a series of short reaction papers.

This advanced seminar-style course 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 was previously 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 course will meet six times during the semester, in two-hour sessions.

The course is required for LL.M. students in the LL.M. human rights concentration. Participation by J.D. students is also encouraged.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Immigration and Refugee Advocacy

Course #: 2115 **Term:** 2018FA **Faculty:** Anker, Deborah **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Harvard Immigration and Refugee Clinic (3-5 fall clinical 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: August 28, 2018.
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.
Students who have taken the course "Emerging Issues in Refugee Protection: The Representation of Child Asylum Seekers" may request a clinical seminar waiver by contacting the clinic directly.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Immigration and Refugee Advocacy

Course #: 2115 **Term:** 2019SP **Faculty:** Ardalan, Sabrineh **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Harvard Immigration and Refugee Clinic (3-5 spring clinical 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 11, 2019.
LLM Students: LLM students may apply to the clinic by submitting an application.
This seminar addresses U.S. asylum and international refugee law, as well as advocacy skills relevant to students work at the clinic. Specific topics covered include: persecution and the human rights paradigm; credibility and corroboration; and gender- and gang-based asylum claims. The skills component of the seminar addresses such areas as effective client interviewing, affidavit writing, cross-cultural lawyering, conducting immigration and human rights research, and preparing cases and testimony for trial. In order to cultivate best practices in student advocacy, this seminar draws heavily for instructional examples on students clinical experiences. It also allows 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.
Students who have taken the course "Emerging Issues in Refugee Protection: The Representation of Child Asylum Seekers" may request a clinical seminar waiver by contacting the clinic directly.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Immigration Law

Course #: 2466 **Term:** 2018FA **Faculty:** Ardalan, Sabrineh **Credits:** 2.00

Type: Elective **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Government Structure & Function; International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: Any-Day Take Home

This course will examine the history of immigration to the United States, the constitutional rights of immigrants, the federal agencies that apply immigration and citizenship laws, refugees and asylum protection, immigration outside the law, and the role of state and local actors, among other topics. The course will tackle a range of questions, including: Who is a U.S. citizen? Who can come to the United States as an immigrant or a visitor? When and why can non-citizens be forced to leave the United States? The course will provide students with a basic introduction to U.S. immigration law and current challenges and controversies.

Immigration Law: Policy and Social Change

Course #: 2116 **Term:** 2019SP **Faculty:** Anker, Deborah **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Innovation in Legal Education and Practice

Course #: 2689

Term: 2018FA

Faculty: Westfahl, Scott

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: Prerequisite: None

Exam Type: No Exam

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 begins with exercises and teaching to create effective innovation teams. The course then introduces students to design thinking principles and tools in order to enhance their ability to innovate. 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 focuses on providing support for student teams with the help of 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 innovation proposal. Students will be challenged at the end of the semester to present their proposals in an interactive forum to panels of outside 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, and a significant amount of feedback throughout the course. Benefits of the course include the ability to leverage fellow team members strengths and experiences and to form close bonds with teammates.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Insurance Law

Course #: 2356 **Term:** 2018FA **Faculty:** Hay, Bruce **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

Course Description: Prerequisites: None

Exam Type: In Class

Students have the option of either writing a paper or taking an exam.

This course gives students a working knowledge of the law of insurance, a key part of the toolkit for both litigation and transactional lawyers. 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.

Insurance Law and Risk Management

Course #: 2704 **Term:** 2018FA **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**

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam: No Exam

This seminar explores contemporary topics in insurance law and risk management, including: emerging risks such as cyber liability and climate change; organizational risk management strategies; insurance and transactional practice; insurance disputes and civil litigation; reinsurance and other risk-spreading arrangements. Most seminar meetings will feature guests from various parts of the legal and/or insurance world. The seminar may be taken with or without the basic course in Insurance Law. There are no prerequisites, and cross-registrants are welcome.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

International Commercial Arbitration

Course #: 2122 **Term:** 2019WI **Faculty:** Beckett, Mark; Tan, Daniel **Credits:** 3.00

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

Course Description: Prerequisite: None

Exam Type: Last Class Take-Home.

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

International Environmental Law

Course #: 2123

Term: 2019WI

Faculty: Salzman, James

Credits: 2.00

Type: Elective

Subject Areas: Environmental Law; International, Comparative & Foreign 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

Course Description: Prerequisite: None

Exam Type: One Day Take-Home

This course examines the challenges, successes, and opportunities in harnessing international efforts to promote environmental protection. After laying a foundation in environmental policy instruments, international law, institutions and the challenges of sustainable development, the course addresses concrete regimes designed to address specific international environmental problems, such as ozone depletion, marine pollution, overfishing, biodiversity loss and climate change, among others. The course focuses on how international environmental law and policy work in practice, exploring the dynamic of treaties, negotiations, and state and non-state actors on the international plane, with discussion of the interplay between domestic legislation and international protection efforts. We will have the opportunity to hear from guest speakers who are leading figures in the field.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

International Human Rights Clinic

Course #: 8021 **Term:** 2018FA **Faculty:** Giannini, Tyler **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Students in the fall clinic must enroll in either Human Rights Advocacy (2 fall classroom credits) or Armed Conflict and Civilian Protection (2 fall classroom 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: August 28, 2018.

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

Placement Site: HLS.

Through the International Human Rights Clinic, students link 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 advance 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 advocate for human rights--all under the close supervision of the Clinics 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; accountability litigation, including under the Alien Tort Statute and Torture Victim Protection Act; 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, Southeast Asia, and North America, including 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 classroom credits) or Armed Conflict and Civilian Protection (2 fall classroom credits). While each course is focused on a particular subject matter, both teach the key skills of human rights practitioners and include simulations related to fact-finding and field investigations, media work, and/or negotiation and legislative work. Clinical seminar selection and enrollment occurs once a student has enrolled in the fall clinic and is orchestrated by the Office of Clinical and Pro Bono Programs.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

International Human Rights Clinic

Course #: 8021 **Term:** 2019SP **Faculty:** Farbstein, Susan **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Human Rights Advocacy (2 spring classroom 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 11, 2019. LLM Students: LLM students may apply to this clinic by submitting an application. Placement Site: HLS. Through the International Human Rights Clinic, students link theory with practice and learn core skills necessary to become effective and thoughtful human rights advocates. Students work in small project teams on pressing and timely human rights problems around the world, in collaboration with leading international and local human rights organizations, as well as affected communities. Clinical students have the opportunity to explore a range of approaches to advance the interests of clients and affected communities. For example, students may interview survivors and document abuse; undertake legal, factual, and strategic analysis; and interact with media to build campaigns and advocate for human rights--all under the close supervision of the Clinics human rights practitioners. 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 and legislation 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 and torture; civilian protection in armed conflict; womens rights; human rights and the environment; business and human rights; accountability litigation; transitional justice; refugee rights and legal identity; 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, Africa, 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

International Human Rights Clinic - Advanced

Course #: 8040 **Term:** 2018FA **Faculty:** Giannini, Tyler **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Possible Class Component: Advanced Skills Training for Human Rights Advocacy (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: Prior semester of the International Human Rights Clinic.

By Permission: No.

Add/Drop Deadline: August 28, 2018.

LLM Students: Due to the pre-requisite, LLM students are not eligible to apply.

Placement Site: HLS.

Through the International Human Rights Clinic - Advanced, students continue to explore theory and practice and to refine core skills necessary to become effective and thoughtful human rights advocates. Students again 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 advance 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 advocate for human rights--all under the close supervision of the Clinics 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; accountability litigation, including under the Alien Tort Statute and Torture Victim Protection Act; 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, 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

International Human Rights, Anti-Impunity, and Criminal Law

Course #: 2177 **Term:** 2018FA **Faculty:** Engle, Karen **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This seminar will study the relationship between international human rights and criminal law, with a focus on the relatively recent turn to individual criminal accountability as the primary means of enforcing human rights. This trend toward criminalization in human rights is in tension with the rising critique of criminal enforcement from both the left and the right in the United States. We will consider how and why human rights law and advocacy came to emphasize criminal prosecution, particularly as a way to "end impunity," in a variety of international and domestic contexts including transitional justice, gender-based violence, universal jurisdiction, and international criminal law. We will ask questions about why a reliance on criminal prosecution has developed in some areas more than others, and about how the turn to criminal prosecution might affect the priorities of the human rights movement and its ability to attend to other issues, such as economic inequality.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

International Humanitarian Law/Laws of War

Course #: 2296 **Term:** 2019SP **Faculty:** Modirzadeh, Naz **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:15 PM - 2:45 PM

Fri 1:15 PM - 2:45 PM

Course Description: Prerequisite: Public International Law is recommended.

Exam Type: Any Day Take-Home

The law of war is one of the oldest branches of international law, but whether its centuries-old norms align with modern conflicts remains a contested area of legal practice and interpretation. This course will explore the primary branch of international law applicable to situations of armed conflict, often referred to as international humanitarian law (IHL) or the law of armed conflict (LOAC). We will examine foundational doctrines and concepts and then explore some of the foremost contemporary challenges. We will consider, for example, direct participation of civilians in hostilities; the geographic, temporal, material, and personal scope of armed conflict; the interplay between international human rights law, international criminal law, and IHL; and the relationship between the legal framework governing terrorism and IHL. 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? How does the law seek to balance principles of military necessity and humanity? And how does the law address emergent technologies?

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

International Investment Arbitration

Course #: 2567 **Term:** 2018FA **Faculty:** Banifatemi, Yas; Gaillard, Emmanuel **Credits:** 2.00

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

Tue 5:00 PM - 7:00 PM

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: The course is open to 21Ls, 3Ls, LL.Ms, and SJDs. No prior courses required, although broad familiarity with public international law and international commercial arbitration will be an advantage.

Exam Type: No Exam

Students will be asked to role play in a moot investment arbitration proceeding in lieu of the final examination.

In 1965, the World Bank adopted the Washington Convention, establishing the International Centre for Settlement of Investment Disputes (ICSID), and allowing private parties to resort directly to international arbitration against States for harm done to their investments. Since then, as a result of the wide adoption of bilateral and multilateral investment protection treaties, there has been an outbreak of investor-State arbitrations that neither the drafters of the Convention nor the international community at large had anticipated.

This course will explore where investment treaty arbitration stands today, after two decades of blooming and growth. In particular: Why have there been calls for reform and for the termination of investment protection treaties? To what extent has the interplay between investment arbitration and international law nourished each of these fields of law? How has the arbitral case law tackled the most complex questions of international law? These questions will be addressed through a deep immersion into the investment arbitration process, as well as through an examination of the concepts of jurisdiction and admissibility (notion of investment; nationality of investors, both physical and juridical persons; temporal application of treaties; abuse of process; etc.); the interaction between contractual and treaty breaches; treaty interpretation; and strategic options in investor-State arbitration.

Note: This course will meet on the following dates: 10/29, 10/30, 10/31, 11/5, 11/6, 11/7, 11/12, 11/13, 11/14, and 11/19, and on 11/20 from 5:00pm to 9:00pm.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

International Investment Law and Arbitration

Course #: 2271 **Term:** 2019SP **Faculty:** Waibel, Michael **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

Course Description: Prerequisites: Some background in international law is desirable, but not a formal prerequisite.

Exam Type: Any Day Take-Home

Investment treaties are some of the most controversial but least understood instruments of global economic governance. This course examines international investment law and investor-state arbitration. It addresses both substantive and procedural aspects of international investment law and arbitration, and explores their theoretical underpinnings and practical implications.

The course has three parts. Part 1 examines the historical origins and the economic and political rationales of the contemporary investment treaty regime. It focuses on the question of the costs and benefits of investment treaties for investors, states, and other stakeholders, and on why developed and developing countries entered into investment treaties. Part 2 examines substantive standards of investment protection such as non-discrimination and fair and equitable treatment. It also examines the host state's right to regulate and the interaction of international investment law with other areas of international law such as international finance and international environmental law. Part 3 looks at investor-state arbitration, including jurisdiction, applicable law, interpretation, and remedies, as well as broader questions about the regime's functionality and legitimacy.

Prof. Waibel can be contacted on mww27@cam.ac.uk

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

International Labor Migration: Lawyering for Social Justice in Comparative Contexts

Course #: 2330 **Term:** 2019SP **Faculty:** Ardalan, Sabrineh; Rosenbaum, Jennifer **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This reading group will draw on case studies to examine international labor migration flows, governance issues under national and international legal regimes, and innovative approaches to defending migrant worker rights in sending and receiving countries. We will explore the interplay between the modern human rights and labor movements, analyze the advocacy strategies adopted to address workers' rights violations, and evaluate the tradeoffs and tensions inherent in the different approaches.

Through the reading group, students will learn about different forms of international labor migration and labor trafficking from the perspectives of countries of origin and destination and will analyze the international instruments that protect workers' basic rights and freedoms.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Internet & Society: The Technologies and Politics of Control

Course #: 2433 **Term:** 2019SP **Faculty:** Zittrain, Jonathan; Weinstock, Jordi **Credits:** 2.00

Type: Elective **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Legal & Political Theory

Delivery Mode: Course

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: Admission by application

Exam Type: No Exam

This course offers a rigorous introduction to the field of cyberlaw. We will investigate the evolving nature of online architecture and activities, and the ways in which, law 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. The course will entail an intense array of learning and teaching methods. Students will be expected to participate in a variety of activities. May include Berkman Center fellows and affiliates.

Note: This course will be cross-listed at SEAS and HKS.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Introduction to Accounting

Course #: 2133

Term: 2018FA

Faculty: Dharan, Bala

Credits: 1.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: In-Class

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 the three basic financial statements -- balance sheet, income statement and cash flow statement -- are prepared to capture the financial effects of management decisions, and how accounting reports are analyzed to aid management decisions. The course will be relevant for students who wish to learn the basic language of accounting and its use in capital markets, corporate transactions, commercial litigation, mergers and acquisitions, and other related areas.

Note: The course meets once a week in a 2-hour block for the first six weeks of the semester, followed by an exam given in the seventh week.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Introduction to Advocacy: Skills and Ethics in Clinical Practice

Course #: 2134 **Term:** 2018FS **Faculty:** Caramello, Esme **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Students who enroll in this course may count the credits towards the JD experiential learning requirement.
Required Clinic Component: Harvard Legal Aid Bureau 2L (4 fall clinical credits + 4 spring clinical 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 and TAW. Students must enroll in Evidence and TAW separately from clinic enrollment.
By Permission: Yes. Applications are due to the clinic by March 19, 2018.
Add/Drop Deadline: July 30, 2018.
LLM Students: LLM students are not eligible to enroll.
Multi-Semester: This is a fall-spring course (2 fall classroom credits + 1 spring classroom 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 understanding 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, as well as the civil legal aid system and management of a major legal aid organization. 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 are expected to attend all class sessions and complete a final project or paper that addresses an ethical or professional issue related to their casework, the course readings, or other aspects of the legal profession.
Enrollment in this course is restricted to 2L Harvard Legal Aid Bureau members and will not be in clinical registration. The Office of Clinical and Pro Bono Programs will enroll all HLAB 2L members in this course. The classroom component of this clinical course satisfies the Law Schools professional responsibility requirement.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Introduction to Finance Concepts 3-Day Section

Course #: 2537

Term: 2018FA

Faculty: Dharan, Bala

Credits: 1.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Course Description: Prerequisites: None

Exam Type: In Class

This 1-unit course is designed to provide students with no prior coursework in finance an introduction to core concepts and calculations of corporate finance. This section of the course will meet over three days in the week prior to the start of the upper-level fall term classes so that students can quickly equip themselves with an understanding of the basic concepts and procedures of corporate finance. Starting with a brief introduction to the use of Microsoft Excel for finance calculations, the following topics will be introduced: time value of money, discounted cash flow methodology, analysis of investment decisions, concept of risk and return, capital asset pricing model, market efficiency, cost of equity, and weighted average cost of capital.

The course will be graded on a Credit/Fail basis.

Note: The course will meet on: TBD.

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Introduction to Finance Concepts 3-Week Section

Course #: 2537

Term: 2018FA

Faculty: Dharan, Bala

Credits: 1.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 5:00 PM - 7:00 PM

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: In-Class

This 1-unit course is designed to provide students with no prior coursework in finance an introduction to core concepts and calculations of corporate finance. This section of the course will meet twice a week over the first three weeks at the beginning of the term so that students can quickly equip themselves with an understanding of the basic concepts and procedures of corporate finance. Starting with a brief introduction to the use of Microsoft Excel for finance calculations, the following topics will be introduced: time value of money, discounted cash flow methodology, analysis of investment decisions, concept of risk and return, capital asset pricing model, market efficiency, cost of equity, and weighted average cost of capital.

The course will be graded on a Credit/Fail basis.

Note: The course will meet on Mondays and Tuesdays from 5pm to 7pm on September 4 through September 24.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Introduction to Finance Concepts 3-Week Section

Course #: 2537 **Term:** 2019SP **Faculty:** Dharan, Bala **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

Course Description: Prerequisites: None./p>

Exam Type: In Class

This 1-unit course is designed to provide students with no prior course work in finance an introduction to core concepts of corporate finance. This section of the course will meet twice a week over the first three weeks of the term so that students can quickly equip themselves with an understanding of the basic concepts and terminology of corporate finance. Starting with a brief introduction to the use of Microsoft Excel for finance calculations, the following topics will be introduced: time value of money, discounted cash flow methodology, analysis of investment decisions, concept of risk and return, market efficiency, cost of equity, and weighted average cost of capital.

The course will be graded on a Credit/Fail basis.

Note: The course will meet on Thursdays and Fridays from 1 pm to 3 pm during the first three weeks of the semester.

Introduction to Intellectual Property Law

Course #: 2187 **Term:** 2018FA **Faculty:** Okediji, Ruth **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

Course Description: Prerequisite: None

Exam Type: In Class

This is an introductory course on intellectual property (IP). It will cover the basic rules of the principal forms of IP (patents, copyrights, and trademarks). For each subject, students will learn eligibility, scope of protection, exceptions, infringement, and enforcement. The course will also provide an overview of related state regimes, namely, tradeseecrets and unfair competition law.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Introduction to Social Entrepreneurship

Course #: 2137 **Term:** 2019WS **Faculty:** Klahr, Suzanne; Westaway, Kyle **Credits:** 3.00

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

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: Students who enroll in this course may count the credits towards the JD experiential learning requirement.
Prerequisite: None

Exam Type: No Exam

Introduction to Social Entrepreneurship combines both theory and practice with an end goal of equipping young lawyers to create a positive social impact.

First, the course covers the key fundamentals of the social enterprise movement as well as substantive cutting-edge legal doctrine relevant to the sector. Using the case study method typically used in MBA classes, students will examine the challenges of starting, counseling, serving, assessing and funding social ventures through the eyes of the entrepreneur, investor, attorney, board member and community leader.

The course provides an overview of the emergence and definition of social entrepreneurship and will explore the intricacies of establishing mission / vision / values, legal structures for both non-profit and for-profit social ventures, managing and sustaining growth, board governance, the profit and purpose tension, impact investing and creating shared value. This basic knowledge set will inform any student who seeks to advise, launch, and /or serving on the board of a social enterprise. By engaging with these case studies, students also learn the basics of leadership and management decision-making.

Second, the course provides an intensive introduction to consulting for a social enterprise on a student consulting team. Students have an opportunity to put their newly-learned skills into practice as they are grouped into teams and are partnered up with a social enterprise to help them solve a specific, real-time challenge they are facing. In the past, the challenges have been in the areas growth, revenue, marketing, programmatic issues, scale and legal complexities.

This experiential learning will not only give the students an opportunity explore innovative social enterprises through project-based, work opening their eyes to the realities of operating a social enterprise, but will also improve their skills in problem solving and client services.

During the Spring semester students will work on the written memo with their student consulting team. The Spring Term will culminate with the completion of the written report and a final presentation.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Investments Workshop: Public and Private Equity

Course #: 2923

Term: 2019SP

Faculty: Bosiljevac, Vladimir

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisites: Sound understanding of financial statements and valuation topics/models. The admission is by permission only and interested students should send a resume and a cover letter to the instructor at vbosiljevac@law.harvard.edu. In the cover letter interested students should explain why they want to take the class and outline their experience with financial statements, valuation and modeling.

Exam Type: No Exam

This class (designed as a workshop) is intended for students who want to deepen and expand their knowledge of applied finance topics and concepts with a focus on equity investments in public and private markets. Students will explore these topics through case studies where they are asked to analyze potential investments using hedge fund and private equity tools and strategies. These case studies will span across different industries (e.g. technology/internet, retail, consumer goods, healthcare, industrials, etc.) and different geographies (developed and emerging markets). However, the primary focus will be the US. After learning various investment methodologies in the first part of the course, students (working in teams of two) will be required to independently develop (with inputs and feedback from the instructor) and pitch two investment theses/ideas in their industry of choice. That investment thesis will be thoroughly discussed (and challenged) in class. Active class participation is required. There will be no final exam.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Islamic Law: Human Rights Advocacy in the Muslim World

Course #: 2517

Term: 2019SP

Faculty: Stilt, Kristen

Credits: 1.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Human Rights; International, Comparative & Foreign Law

Delivery Mode: Reading Group

Days and Times:

Location

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: This course is open to students who have taken or are concurrently taking International Law and Human Rights, International Human Rights, or Human Rights Advocacy.

Exam Type: No Exam

Students will be graded on the basis of class participation and a final paper.

This course will focus on human rights advocacy in the Muslim world. After providing an introduction to Islamic law, the course will address difficult questions at the intersection of human rights law and some interpretations of Islamic law. Topics to be examined include religious freedom, sexual relations and sexuality, domestic relations, the rights of children, and public dress and behavior. The course 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 and practice.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

ITA Prosecution Perspectives Clinic

Course #: 8003 **Term:** 2018FW **Faculty:** Corrigan, John **Credits:** 5.00

Type: Clinic **Subject Areas:** Criminal Law & Procedure; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Open to 3Ls only
This is a fall-winter clinic (4 fall clinical credits + 1 winter clinical credit)
Required Class Component: ITA: Prosecution Perspectives (3 fall classroom credits + 1 winter classroom 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: August 28, 2018.
LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.
Multi-Semester: This is a fall-winter clinic (4 fall clinical credits + 1 winter clinical 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. 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.
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

2018-2019 Academic Year

March 19, 2018 1:27 PM

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

ITA: Prosecution Perspectives

Course #: 2328 **Term:** 2018FW **Faculty:** Corrigan, John **Credits:** 4.00
Type: Elective **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Procedure & Practice
Delivery Mode: Seminar

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Students who enroll in this course may count the credits towards the JD experiential learning requirement.
Open to 3Ls only
This is a 4-credit course (3 fall classroom credits + 1 winter classroom credit).
Required Clinic Component: ITA Prosecution Perspectives (4 fall clinical credits + 1 winter clinical 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: August 28, 2018.
LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.
Multi-Semester: This is a fall-winter course (3 fall classroom credits + 1 winter classroom 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. Students are required to keep a journal relating to their fieldwork experiences and to prepare several short practical skills exercises. 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

2018-2019 Academic Year

March 19, 2018 1:27 PM

Judicial Process in Trial Courts Clinic

Course #: 8022 **Term:** 2019SP **Faculty:** Cratsley, John **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Required Class Component: Judicial Process in Trial Courts (2 spring classroom 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 11, 2019.
LLM Students: LLM students may apply to this clinic by submitting an application.
Placement Site: Various internship placements with trial court judges.
Students undertake clinical fieldwork study of judicial performance through clerkship-like clinical placements 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, as well as federal judges in the U.S. District Court and Immigration Court. Clinical 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 eight hours per week. Three short reflection papers and one final paper required.
Students must have at least one full day or two mornings available for their judicial placement. Students may earn up to five credits for additional fieldwork hours with their judge.
For more information, please contact Judge John C. Cratsley (Retired); cratsley@socialaw.com or jcratsley@law.harvard.edu.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Judicial Process in Trial Courts Clinical Seminar

Course #: 2139 **Term:** 2019SP **Faculty:** Cratsley, John **Credits:** 2.00

Type: Elective **Subject Areas:** Government Structure & Function; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Judicial Process in Trial Courts Clinic (2-5 spring clinical 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 11, 2019.

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

This weekly seminar examines through participant observation the functioning of the judicial process in our trial courts with special attention to different judicial roles in different trial courts. The focus of the class is on the various roles (adjudicatory, administrative, sentencing, educational and symbolic) that judges play in these courts. Students have the unique opportunity to observe and discuss the work of their assigned judges in a clerkship-type setting. Students are also expected to assist their judges with legal research and writing. The contributions of various scholars to understanding the work of judges in these courts is reviewed as well as distinct proposals for reform. Because of the variety of judicial placements, attention is also paid to common issues such as judicial accountability, judicial ethics, ADR, juries, and court innovations like treatment courts and restorative justice.

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. Three short reflective papers are also required during the semester.

Students undertake clinical fieldwork study of judicial performance through clerkship-like clinical placements 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, as well as federal judges in the U.S. District Court and Immigration Court. Clinical 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 eight hours per week. Students may earn up to five credits for additional fieldwork hours spent with their judge.

Students must have at least one full day or two mornings available for their judicial placement.

For more information, please contact Judge John C. Cratsley (Retired); cratsley@socialaw.com or jcratsley@law.harvard.edu.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Judicial Review

Course #: 2408

Term: 2018FA

Faculty: Ngcobo, Sandile

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

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: Some familiarity with constitutional law will be helpful.

Exam Type: No Exam

Grading: Papers and class participation will be graded as follows; Each response paper carries 15%; Class participation 20% and the research paper 50%.

The adjudication of constitutional disputes has increasingly drawn courts into areas that were traditionally considered to be the domain of the political branches of government. This has resulted in a renewed scrutiny of the proper scope and legitimacy of judicial review. While the legitimacy of the basic practice of judicial review has been accepted as a matter of historical fact, there is substantial disagreement as to how the practice should or could be justified. In addition, there is substantial disagreement as to when and how the power of judicial review should be exercised, if it should be exercised at all. This normative debate, with particular applications to judicial cases, largely defines contemporary debate on judicial review. The seminar introduces participants to this debate. The overarching purpose of the seminar is to explore the place of constitutional adjudication in a democracy and, in particular, to explore the answer to the basic question: Why should citizens and their elected representatives, on intractable, controversial, and profound questions of political morality that philosophers, statesmen and citizens have debated for centuries, accept the deliverances of a majority of the justices, whose insight into these great issues is not spectacularly special?

Although the debate over judicial review is primarily an American debate which is shaped by American history and political ideology, similar concerns have been raised in other jurisdictions. The debate will be placed in a comparative context. Countries that will be considered in addition to the United States, include South Africa, Canada, Germany, Great Britain, India, New Zealand and Israel.

After considering the problem of judicial review, the seminar will cover a series of topics that arise in the practice of judicial review including the varying foundations and structures of judicial review of the constitutionality of laws, the justification of judicial review and its legitimacy, democracy and judicial review, judicial review, separation of powers, constitutional interpretation and limits of judicial review. These topics will be considered in the context of courts' adjudication of disputes concerning fundamental rights, such as same sex marriages, abortion and, social and economic rights.

Requirements: Seminar participants will prepare two response papers of 3-5 pages each during the course of the semester and a research paper of 15 - 20 pages which is due on the last day of exams. Each response paper is to explore some of the problems arising from or addressed by the readings of a selected week. The research paper should be framed around topics covered during the course of the seminar and should provide an original and analytical accounting of the subject at hand. It should integrate relevant sources into the discussion.

Each paper should include a brief abstract of no more than 500 words. Response papers should not simply be read at the seminar, but participants should be prepared to present an oral version of their arguments. The oral presentation should develop the argument contained in the paper and initiate that day's discussion. Papers will be scheduled at the beginning of the semester and are due the day before the

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

relevant seminar. These should be emailed to me and the other seminar participants by later than 5:00 pm on the day preceding the seminar.

Participants are expected to have read thoroughly and thought about each of the required readings before every class. The suggested readings are for further consideration and reference.

Participants are welcome to make use of the suggested readings in preparing response papers, and to incorporate them as appropriate for the benefit of the other participants.

Jurisprudence

Course #: 2140 **Term:** 2018FA **Faculty:** Brewer, Scott **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisites: None.

Exam Type: Any Day Take-Home

Course work consists of regular class attendance and participation and an any day take-home exam.

This course will introduce and explore basic themes in jurisprudence, including: (i) the relation among moral, political, and legal judgments; (ii) the nature of legal reasoning and its relation to other types of reasoning (moral reasoning, empirical scientific reasoning, and logical and mathematical reasoning); the role of reason and rationality in legal decision-making. Theories surveyed include "formalism," legal realism (e.g., O.W. Holmes, Jr., Karl Llewellyn, Felix Cohen), natural law (e.g., Lon Fuller, Ronald Dworkin, John Finnis), analytical legal positivism (e.g., H.L.A. Hart and Joseph Raz), and critical legal studies (e.g., Duncan Kennedy and Roberto Unger).

Readings are from legal theorists and philosophers, and illustrative materials from cases, statutes, and constitutional provisions.

The course does not require or presuppose any background in jurisprudence or philosophy. Some course materials explain and explore philosophical issues that are relevant to core jurisprudential questions.

Open to cross-registrants from other schools.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Just and Unjust Wars

Course #: 2141 **Term:** 2019SP **Faculty:** Halbertal, Moshe **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam
The seminar will explore the ethical dilemmas of armed conflict, including the inherent difficulty of formulating a theory of jus ad bellum acceptable to all sides of a violent and massively destructive conflict. One aim will be to rethink the debate unleashed by Michael Walzer's classic study, *Just and Unjust Wars*, in light of contemporary controversies about preventive war, targeted killing and humanitarian intervention. To achieve some level of historical concreteness, we will be focusing on the most recent wars. Finally, we will be devoting substantial attention to gratuitous violence and the psychological brutalization of combatants.

Justice in the Law

Course #: 2804 **Term:** 2019SP **Faculty:** Herstein, Ori **Credits:** 1.00

Type: Elective **Subject Areas:** Legal & Political Theory

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam
Discussion of contemporary work in legal and political philosophy exploring different conceptions of justice (corrective justice, distributive justice, retributive justice) as manifested in different fields of law (such as tax, torts, international law, property).

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Knowledge As Power in Law and Science

Course #: 2082 **Term:** 2019SP **Faculty:** Kennedy, David; Jasanoff, Sheila **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: By permission. Interested students should send one of the faculty a short statement of interest.

Exam: No Exam

Evaluation: final take home essay.

How do ideas about law and science shape the contours of the contemporary world? Knowledge underwrites legal authority - but how exactly? How do ideas about what is natural, right or ordained become powerful, hegemonic? Both law and science rely on experts to define the basic coordinates by which we locate ourselves and recognize each other, as members of collectives, actors in institutions, and selves possessing subjectivity. But how does each conceive the others role, and affirm or resist it? In this course, we will read and discuss literature from social theory, law, and science and technology studies that bears on these questions, alongside case studies that illuminate expertise in action in a variety of professional, scientific, and legal settings.

Cross-listed with HKS.

Labor & Employment Lab

Course #: 2845 **Term:** 2019SP **Faculty:** Sachs, Benjamin **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: There is no prerequisite for the course, though Employment Law or Labor Law is helpful background. Enrollment is limited to 12.

Exam Type: No Exam

In this two unit course, students will generate and publish writing on labor and employment law, labor politics, and contemporary labor market trends including developments related to the on-demand/sharing economy. Class meetings will be highly interactive and collaborative. Part of each class session will be dedicated to developing research topics and part will be dedicated to discussing each other's work. Students will be required to write four substantive posts of approximately 750-1000 words each to be published on the OnLabor blog (www.onlabor.org). The course will provide students interested in labor and employment the opportunity to research and write on cutting edge issues and to publish their work for a live and extensive audience.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Labor Law

Course #: 2142

Term: 2019SP

Faculty: Sachs, Benjamin

Credits: 4.00

Type: Elective

Subject Areas: Employment & Labor Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

Course Description: Prerequisite: None

Exam Type: One Day Take-Home

This course will focus on the statutory, judicial, and administrative law governing the collective organization of workers and the interaction between such collective organizations and employers. The course will introduce students to the basics of traditional labor law and will explore how labor law is evolving in response both to innovative forms of labor management relations and to changes in the composition of the U.S. labor force. The class will consider the legal status of privately negotiated processes for organizing and recognizing unions, state and local approaches to labor law innovation, and new forms of workplace organization. We will also explore the intersection of labor and immigration law, union participation in the political process, and emerging forms of worker organizing that rely not on the National Labor Relations Act but on other statutory regimes.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Latino Civil Rights Advocacy

Course #: 2903

Term: 2019SP

Faculty: Ramirez, Nancy

Credits: 1.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights

Delivery Mode: Reading Group

Days and Times:

Location

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This two-week, six class course will cover a range of issues including voting rights and redistricting, immigrants rights and practical aspects of public interest lawyering. Topics to be selected based on current events and a survey of students interests.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Law and Catholic Thought: Liberalism and Integralism

Course #: 2618 **Term:** 2018FA **Faculty:** Vermeule, Adrian; George, Robert **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 5:00 PM - 8:00 PM

Course Description: Prerequisite: Admission is by permission of the instructors. Please send a resume and a short (1 page or less) statement of interest and any relevant background to Ellen Keng (ekeng@law.harvard.edu) and Katie Fortunato (kfortunato@law.harvard.edu) by August 6, 2018.

Exam Type: No Exam

The social teaching of the Catholic Church--its teaching on political, economic, and legal justice, human dignity and rights, and the requirements of the common good--is a key part of its moral teaching. Since the Church is the largest single religious institution in the world, and an actor in its own right in public and international affairs, its teaching in this area is of significance and interest to people of all faiths and shades of belief. This seminar will examine the teaching, especially as it has been presented in the writings of popes beginning with the encyclical letter of Pope Leo XIII *Rerum Novarum* (1891) addressing the "revolutionary changes" confronting the Church and the world in the wake of the industrial revolution. Topics covered will include Catholic teaching on democracy and religious freedom and other human rights, and the Church's critiques of socialism and collectivism; laissez-faire capitalism and social Darwinism; scientific materialism and secularism; and expressive individualism; and its defenses of private property, the regulated market economy, and subsidiarity.

Note: This seminar will meet over 8 sessions on the following dates: TBD

This course is available to upper-level JDs and FAS graduate students.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Law and Economic Development

Course #: 2145 **Term:** 2018FA **Faculty:** Kennedy, David **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 5:00 PM - 7:00 PM

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: Last Class Take-Home

This course will explore past and present debates about the role of the legal order in economic development. We will explore the relationships among economic ideas, legal ideas and the development policies pursued at the national and international level in successive historical periods. We will focus on the potential for an alliance of heterogenous traditions from economics, law and other disciplines to understand development.

Open to all graduate students.

Law and Economics

Course #: 2146 **Term:** 2018FA **Faculty:** Kaplow, Louis; Shavell, Steven **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Law and Economics

Course #: 2146 **Term:** 2019SP **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: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Law and Neuroscience

Course #: 2707

Term: 2019SP

Faculty: Gertner, Nancy

Credits: 2.00

Type: Elective

Subject Areas: Criminal Law & Procedure; Disciplinary Perspectives & Law

Delivery Mode: Seminar

Days and Times:

Location

Wed 5:15 PM - 7:15 PM

Course Description: Prerequisites: By permission of the instructor. Applications will be considered on a rolling basis and should be directed to Judge Gertner (ngertner@law.harvard.edu) with a cc to Alyssa Lary (alary@law.harvard.edu).

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Law and Politics in the Post-Obama Era

Course #: 2207

Term: 2019SP

Faculty: Mack, Kenneth

Credits: 1.00

Type: Elective

Subject Areas: Government Structure & Function; Legal & Political Theory

Delivery Mode: Reading Group

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Only a decade ago, debates about law and politics seemed to reach some form of a consensus around technical solutions to pressing social problems, and post-partisan approaches to issues such as economic inequality, racial division and criminal justice, immigration, financial regulation, the balance between national security and civil liberties, and the organization of politics. Sometime in the early years of the Presidency of Barack Obama, that consensus fell apart, although some of the symptoms of that collapse did not become evident until after the 2016 Presidential election. Recent years have seen the publication of trenchant works that purport to explain the nature of that collapse, and its implications for law and politics in the United States and other Western democracies. This course will critically examine a number of these leading analyses. How do they differ in their basic descriptions of the problems we face? What institutional and imaginative alternatives do they miss? How might we think through the contours of a more hopeful organization of politics and institutions going forward? Is such a hopeful future even a realistic possibility? Class format will consist mainly of readings and class discussion, and students are encouraged to bring their own perspectives to bear on these difficult and timely issues.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Law and Psychology: The Emotions

Course #: 2151 **Term:** 2018FA **Faculty:** Cope, David **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: Prerequisites: None

Exam Type: No Exam

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.

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.

Law and Social Change

Course #: 2600 **Term:** 2019SP **Faculty:** Minow, Martha **Credits:** 2.00

Type: Elective **Subject Areas:** Disciplinary Perspectives & Law; Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Using case studies, we will examine how social movements and organizations have worked with legal tools and institutions to push for changes not only in law but also in social life. Examples may include: racial justice, childrens rights, rights for persons with disabilities, LGBT rights, environmental protection, tobacco use, efforts to legalize use of school vouchers for religious schools, Prohibition (alcohol) and efforts to regulate access to pornography. In multiple short papers, students will have opportunities to explore past and current efforts and to assess successes and failures.

For an extra credit, a limited number of students may undertake related independent research projects.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Laws, Markets, and Religions

Course #: 2159 **Term:** 2019SP **Faculty:** Clark, Robert **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam
This spring semester reading group 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. The six two-hour sessions will usually be scheduled on an every-other-week basis.
Note: This reading group will meet on the following dates: TBD
Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Lawyer as Facilitator Workshop

Course #: 2591

Term: 2018FA

Faculty: Viscomi, Rachel

Credits: 4.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Wed 1:00 PM - 5:00 PM

Course Description: Prerequisite: Negotiation Workshop and permission of instructors.

Exam Type: No Exam

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 4-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 TBD. 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.

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 March 30, 2018, to Tracy Blanchard . You will be notified by April 6, 2018 (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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Lawyering for Justice in the United States

Course #: 2995 **Term:** 2019WI **Faculty:** Giannini, Tyler; Caramello, Esme; Gregory, Michael **Credits:** 3.00

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

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: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Prerequisite: Enrollment is limited to 18 students, by application and based upon satisfaction of pre-requisite, which is completion of at least one semester in an HLS clinic or HLS student practice organization (SPO).

Application Process: Applications should be submitted by Friday, October 5, to Maggie Bay (mbay@law.harvard.edu). Applicants will be notified by Monday, October 15.

Interested students must submit a resume detailing their relevant legal practice experience with a clinic or SPO.

Exam Type: No Exam

This seminar will allow students who have participated in an HLS clinic or SPO to draw on their collective experiences to explore questions about lawyering for justice in the United States in 2018. The course will take a deep dive into the why and how of systemic change and the role of lawyers in supporting it. Students will have conversations with each other and with faculty from a wide variety of HLS clinical programs, engaging in deep, guided reflection on their own past or ongoing clinical work. Students and faculty together will explore contemporary problems, balancing structural analysis with an attention to individuals' lived experiences, and will practice creative problem-solving geared toward identifying and evaluating potential solutions to persistent societal problems. Students will be exposed to a variety of models and theories of systemic change, different lawyering styles/roles, and multiple lawyering strategies across a spectrum of substantive legal areas, allowing us to see new connections to client and communities and to consider new approaches. Students will also further develop the skill and habit of professional self-reflection.

Class time will be spent in a variety of ways: guest lectures from clinical faculty and/or practicing lawyers, workshops, small group and project work, panels of practitioners with substantive or methodological overlap or disagreement, presentations with commentary by students and other faculty, and/or visits from or off-campus meetings with people outside HLS (e.g., community organizers, government officials, public interest lawyers). Grades will be based on participation and a final project, which will consist of a reflection on the student's past clinical experience and an analysis of a current public policy problem, a prior social change movement, or a justice or advocacy organization of the student's choosing. Students may choose to work with others on their final projects.

The teaching team will include a number of HLS clinicians and educators.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Foundations of Capitalism

Course #: 2180

Term: 2019SP

Faculty: Pistor, Katharina

Credits: 1.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law; Legal & Political Theory

Delivery Mode: Reading Group

Days and Times:

Location

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Capitalism cannot possibly be defined in economic terms alone. Many writers have highlighted specific institutional arrangements that characterize this system, including ownership of the means of production, labor relations, trade and exchange. Some writers have gone well beyond this and have described capitalism as essentially a legal system. This reading group will take a critical look at this line of scholarship and consider its implications for institutional reforms. Readings will include, among others, John Commons, Karl Polanyi, Geoffrey Hodgson, and Katharina Pistor.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal History: American Legal Education

Course #: 2164 **Term:** 2019SP **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: Prerequisites: None
Exam Type: No Exam. A research paper will be required rather than a final examination.
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.
Note: This seminar will be jointly-listed with BC.

Legal History: English Legal History

Course #: 2371 **Term:** 2018FA **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: Students who enroll in this course may count the credits towards the JD experiential learning requirement.
Prerequisites: Concurrent registration in the English Legal History course, or the equivalent preparation, is required. Some materials in Latin and French will be studied, but neither language is required.

Exam Type: No Exam.

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.

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 2019-2020.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal History: English Legal History

Course #: 2370

Term: 2018FA

Faculty: Donahue, Charles

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Tue 10:30 AM - 12:00 PM

Mon 11:00 AM - 12:00 PM

Wed 11:00 AM - 12:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal History: History of American Economic Regulation

Course #: 2167

Term: 2018FA

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:

Location

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description: Prerequisite: None

Exam Type: One Day Take-Home

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, race and capitalism, competition policy, 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 of 2007-08, and its aftermath up to the present day. The course will examine the social, institutional and intellectual history of economic regulation.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Profession

Course #: 2169 **Term:** 2018FA **Faculty:** Dacey, Timothy **Credits:** 3.00

Type: Legalprof **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times: **Location**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.

Prerequisites: None

Exam Type: In-Class

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 is only available to JD 3Ls and LLM students.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Profession

Course #: 2169 **Term:** 2019SP **Faculty:** Gordon-Reed, Annette **Credits:** 3.00

Type: Legalprof **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times: **Location**

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.

Prerequisite: None

Exam Type: One Day Take-Home

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?

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

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Profession

Course #: 2169 **Term:** 2019SP **Faculty:** Sawyer, Logan **Credits:** 3.00

Type: Legalprof **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times: **Location**

Mon 1:15 PM - 2:45 PM

Tue 1:15 PM - 2:45 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Prerequisite: None

Exam Type: In Class

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.

Legal Profession

Course #: 2169 **Term:** 2019SP **Faculty:** Sawyer, Logan **Credits:** 3.00

Type: Legalprof **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: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Prerequisite: None

Exam Type: In Class

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Profession

Course #: 2169 **Term:** 2018FA **Faculty:** Kaufman, Andrew **Credits:** 3.00

Type: Legalprof **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times: **Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Prerequisite: None

Exam Type: In Class

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.

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?

The materials will be Kaufman and Wilkins, *Problems in Professional Responsibility for a Changing Profession* (5th edition and supplementary materials)), 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Profession

Course #: 2169 **Term:** 2019SP **Faculty:** Kaufman, Andrew **Credits:** 3.00

Type: Legalprof **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times: **Location**

Mon 10:30 AM - 12:00 PM

Tue 10:30 AM - 12:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.

Prerequisite: None

Exam Type: In Class

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.

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?

The materials will be Kaufman and Wilkins, *Problems in Professional Responsibility for a Changing Profession* (5th edition)(and supplementary materials), and *Professional Responsibility Standards, Rules & Statutes* (Dzienkowski, latest abridged edition).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Profession

Course #: 2169 **Term:** 2018FA **Faculty:** Wilkins, David **Credits:** 4.00

Type: Legalprof **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: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.

Prerequisite: None

Exam Type: Any Day Take-Home

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

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges

Course #: 2169 **Term:** 2018FA **Faculty:** Charn, Jeanne **Credits:** 3.00

Type: Legalprof **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:00 PM

Thu 1:30 PM - 3:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.
Prerequisites: None

Exam Type: No Exam

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 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. In addition to a focus on the law and ethics of the profession, we will consider the implications of a rapidly changing profession for legal education, law practice management, the response of the organized bar to less lawyer-centric services, assuring service quality, assessing the outcome and cost-effectiveness of different approaches to service delivery, understanding the legal needs of people of modest means, and assuring that prospective 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, develop a research project that reports on and analyzes the ethics, efficacy, and feasibility of new approaches to service delivery.

Some seats are reserved for students in the fall Delivery of Legal Services clinic. Students who enroll in the fall Delivery of Legal Services clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the fall Delivery of Legal Services clinic they will also lose their reserved seat in this course. Please note that this course has an early drop deadline of August 28, 2018 for students enrolled in reserved clinical seats.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges

Course #: 2169 **Term:** 2019SP **Faculty:** Charn, Jeanne **Credits:** 3.00

Type: Legalprof **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times: **Location**

Wed 1:15 PM - 2:45 PM

Thu 1:15 PM - 2:45 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.
Prerequisites: None
Exam: No Exam
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 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. In addition to a focus on the law and ethics of the profession, we will consider the implications of a rapidly changing profession for legal education, law practice management, the response of the organized bar to less lawyer-centric services, assuring service quality, assessing the outcome and cost-effectiveness of different approaches to service delivery, understanding the legal needs of people of modest means, and assuring that prospective 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, develop a research project that reports on and analyzes the ethics, efficacy, and feasibility of new approaches to service delivery.
Some seats are reserved for students in the spring Delivery of Legal Services clinic. Students who enroll in the spring Delivery of Legal Services clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the spring Delivery of Legal Services clinic they will also lose their reserved seat in this course. Please note that this course has an early drop deadline of January 11, 2019 for students enrolled in reserved clinical seats.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Profession Seminar

Course #: 2170 **Term:** 2019SP **Faculty:** Wilkins, David **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This seminar examines the changing nature of the legal profession. We will do so by engaging with leading academics and practitioners in a broad range of disciplines and settings who will present and discuss their work on cutting edge issues that are reshaping the profession and legal careers. Among the topics that the seminar will address are how globalization is reshaping the market for legal services particularly in Africa and other emerging economies, technology and other "disruptive innovations" in the market for legal services, diversity and inclusion in legal practice and legal education, new approaches to access to justice and professional development, and redesigning law schools and the workplace. Structured akin to a reading group, each session will revolve around an original piece of research on the legal profession relating to one of the themes. Students are required to write short response papers (around 2-pages) for each session, actively participate in the discussion, and to write a 10-page final paper on a topic relating to one of the seminar's themes.

Note: This seminar will not satisfy the Professional Responsibility requirement.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Profession: Collaborative Law

Course #: 2169 **Term:** 2018FA **Faculty:** Hoffman, David **Credits:** 3.00

Type: Legalprof **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times: **Location**

Thu 4:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.

Prerequisites: This course is only available to JD 3Ls and LLM students.

Exam Type: Last Class Take-Home

In addition to the final exam, students will submit a one-page reading response for each class. Readings for the course will be photocopied materials.

The practice of law has been transformed in recent years by the emergence of Collaborative Law and the role of settlement counsel. In these new forms of practice, the lawyer focuses on problem-solving and achieving an interest-based solution that works for all parties. Collaborative Law practice has been approved as consistent with the ABAs Model Rules of Professional Conduct, in a 2007 opinion by the ABA Ethics Committee. This course examines how Collaborative Law meshes with the requirements of the ABAs Model Rules of Professional Conduct, and in particular the Rules requirement of "zealous" advocacy.

The course will examine such questions as the following: (a) in a setting in which the parties and counsel have agreed to negotiate cooperatively and share all relevant information, how do lawyers balance that expectation with the Model Rules requirement that lawyers protect the confidentiality of communications with their clients; (b) in Collaborative Law cases, where lawyers and clients agree that the lawyers shall be involved only in negotiations and are disqualified from representing the client in court, how do lawyers assure themselves that the clients are giving fully informed consent to these arrangements as required by the Model Rules; and (c) how do lawyers who are seeking to work cooperatively with each other and to seek solutions that meet the needs of all parties reconcile those objectives with their duty under the Model Rules of unfettered loyalty to their clients. This course will examine ethical dilemmas of this kind with case studies, role plays, and small group discussion. The course will also look comprehensively at the Model Rules and explore how lawyers can manage the tensions between the Rules and the norms of Collaborative Practice.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Profession: Government Ethics - Scandal and Reform

Course #: 2169 **Term:** 2019WI **Faculty:** Rizzi, Robert; Borden, Charles **Credits:** 3.00

Type: Legalprof **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times: **Location**

Mon 1:00 PM - 4:30 PM

Tue 1:00 PM - 4:30 PM

Wed 1:00 PM - 4:30 PM

Thu 1:00 PM - 4:30 PM

Fri 1:00 PM - 4:30 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Prerequisite: None

Exam Type: No Exam
A final paper will be required instead.

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 is only available to JD 3Ls and LLM students.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Skepticism

Course #: 2153

Term: 2019SP

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: Prerequisite: None

Exam Type: No Exam

There will be no paper or exam, and class will be graded credit/fail.

Legal skepticism is disbelief in laws coherence and laws rational constraint. We will look at skeptical writings in legal theory, mainly from the American schools of legal realism and critical legal studies. The skeptical picture of law shows law to be riven by incoherence and conflict and controlled by political choice. Our question throughout: is this picture correct?

Note: Class will meet every other week for two hours. Specific meeting dates are TBD.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Tools for Protecting Democracy and the Rule of Law in America

Course #: 2994

Term: 2019SP

Faculty: Florence, Justin; Berwick, Ben

Credits: 2.00

Type: Elective

Subject Areas: Not Applicable

Delivery Mode: Seminar

Days and Times:

Location

Thu 3:00 PM - 5:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Democracy and the Rule of Law Clinic (2-5 spring clinical credits). The 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 11, 2019.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

This seminar is required for all students enrolled in the Democracy and the Rule of Law Clinic. The course will involve a brief introduction to the substantive issues relevant to the clinic, including risks to democracy in America, and traditional rule of law checks within and beyond the executive branch. We will then focus on the set of integrated advocacy tools available to the public and other government actors to protect our democratic and rule of law institutions. This will include transparency and oversight approaches; the development and conduct of effective litigation raising constitutional, administrative law, and statutory issues; and other tools to prompt pro-democratic reform. Finally, the course will end with consideration of longer-term legal and policy challenges to constitutional democracy in the United States, and potential solutions. Through regular presentations and discussions, students will also have the opportunity to generate creative advocacy ideas, develop their Clinic work, and receive feedback from their Clinic colleagues.

Please see the Democracy and the Rule of Law Clinic course description for additional information.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Tools for Protecting Democracy and the Rule of Law in America

Course #: 2994 **Term:** 2018FA **Faculty:** Florence, Justin; Schwartztol, Larry **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 3:00 PM - 5:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Democracy and the Rule of Law Clinic (2-5 fall clinical credits). The 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: August 28, 2018.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

This seminar is required for all students enrolled in the Democracy and the Rule of Law Clinic. The course will involve a brief introduction to the substantive issues relevant to the clinic, including risks to democracy in America, and traditional rule of law checks within and beyond the executive branch. We will then focus on the set of integrated advocacy tools available to the public and other government actors to protect our democratic and rule of law institutions. This will include transparency and oversight approaches; the development and conduct of effective litigation raising constitutional, administrative law, and statutory issues; and other tools to prompt pro-democratic reform. Finally, the course will end with consideration of longer-term legal and policy challenges to constitutional democracy in the United States, and potential solutions. Through regular presentations and discussions, students will also have the opportunity to generate creative advocacy ideas, develop their Clinic work, and receive feedback from their Clinic colleagues.

Please see the Democracy and the Rule of Law Clinic course description for additional information.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Writing: Advanced

Course #: 2178

Term: 2018FA

Faculty: Burling, Philip

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 3:20 PM - 4:20 PM

Wed 3:20 PM - 4:20 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Prerequisites: Open to 2nd and 3rd year JD students. For LLM students, instructor permission is required.

Exam Type: No Exam

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.

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.

Note The course will be graded on a Credit/Fail basis.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Legal Writing: Advanced

Course #: 2178 **Term:** 2019SP **Faculty:** Burling, Philip **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 3:20 PM - 4:20 PM

Wed 3:20 PM - 4:20 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Prerequisites: Open to 2nd and 3rd year JD students. For LLM students, instructor permission is required
Exam Type: No Exam

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.

Note The course will be graded on a Credit/Fail basis.

LGBT Flashpoints - Litigation, Policy and Persuasion

Course #: 2494 **Term:** 2019SP **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: Prerequisites: None

Exam: No Exam

This reading group addresses substantive and strategic issues affecting efforts to obtain and retain legal equality for LGBTQ people in the U.S. The materials will encompass efforts in courts, in legislative bodies (all levels) and public opinion as they are connected. Students will learn the trajectory of progress and opportunities and roadblocks going forward at the state and national levels. Topically, we will address: liberty issues, including autonomy around sexuality; non-discrimination paradigms; offensive and defensive First Amendment issues, including religious exemption/free exercise issues; issues around the standard of review for laws classifying based on sex, sexual orientation and gender identity; family formation, and issues facing youth in schools and in their families; and other current topics.

Note: This reading group will meet on the following dates: TBD

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Litigating in the Family Courts: Domestic Violence and Family Law Clinic

Course #: 8032 **Term:** 2018FA **Faculty:** Odum, Nnena **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Required Class Component: Litigating in Family Courts: Domestic Violence and Family Law Clinical Seminar (2 fall classroom 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: August 28, 2018.
LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.
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 4 or 5 clinical credits, however, students who can only enroll for 3 credits will be accommodated.
Please keep in mind that most court hearings and trials take place starting at 8:30 or 9am. Its recommended that you arrange your schedule to have as much morning availability as possible, in order to maximize your court-related opportunities. In addition, having a block of three or more hours is better than trying to come to the Center for fewer hours at one time.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Litigating in the Family Courts: Domestic Violence and Family Law Clinic

Course #: 8032 **Term:** 2019SP **Faculty:** Odum, Nnena **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Litigating in Family Courts: Domestic Violence and Family Law Clinical Seminar (2 spring classroom 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 11, 2019. LLM Students: LLM students interested in this clinic should be in contact with the clinic directly. 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 4 or 5 clinical credits, however, students who can only enroll for 3 credits will be accommodated. Please keep in mind that most court hearings and trials take place starting at 8:30 or 9am. Its recommended that you arrange your schedule to have as much morning availability as possible, in order to maximize your court-related opportunities. In addition, having a block of three or more hours is better than trying to come to the Center for fewer hours at one time.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Litigating in the Family Courts: Domestic Violence and Family Law Clinical Seminar

Course #: 2085 **Term:** 2019SP **Faculty:** Odim, Nnena **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Litigating in the Family Courts: Domestic Violence and Family Law Clinic (3-5 spring clinical 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 11, 2019.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

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 clients 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 4 or 5 clinical credits, however, students who can only enroll for 3 credits will be accommodated.

Please keep in mind that most court hearings and trials take place starting at 8:30 or 9am. It's recommended that you arrange your schedule to have as much morning availability as possible, in order to maximize your court-related opportunities. In addition, having a block of three or more hours is better than trying to come to the Center for fewer hours at one time.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Litigating in the Family Courts: Domestic Violence and Family Law Clinical Seminar

Course #: 2085 **Term:** 2018FA **Faculty:** Odim, Nnena **Credits:** 2.00
Type: Elective **Subject Areas:** Criminal Law & Procedure; Family, Gender & Children's Law; Procedure & Practice
Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Litigating in the Family Courts: Domestic Violence and Family Law Clinic (3-5 fall clinical 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: August 28, 2018.
LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.
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 clients 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 4 or 5 clinical credits, however, students who can only enroll for 3 credits will be accommodated.
Please keep in mind that most court hearings and trials take place starting at 8:30 or 9am. It's recommended that you arrange your schedule to have as much morning availability as possible, in order to maximize your court-related opportunities. In addition, having a block of three or more hours is better than trying to come to the Center for fewer hours at one time.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Litigation Finance

Course #: 2917 **Term:** 2018FA **Faculty:** Fitzpatrick, Brian **Credits:** 1.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Reading Group

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This reading group will examine the latest scholarship on how litigation is financed in both individual and aggregate litigation. Topics covered will include contingency fees, class actions, multi-district litigations ("MDLs"), and third-party financing by banks, hedge funds, and other nonlawyers. The scholarship will explore economic theory, public policy, and legal ethics.

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

Local Government Law

Course #: 2181 **Term:** 2018FA **Faculty:** Bowie, Nikolas **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:20 PM - 2:40 PM

Thu 1:20 PM - 2:40 PM

Fri 1:20 PM - 2:40 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

This is a course about how local power is administered in the United States. Virtually every public policy in the United States is implemented at the local level by an array of institutions with overlapping jurisdictions and conflicting sources of authority. Cities compete with the federal government to assimilate or police immigrants; homeowners' associations cooperate with business-improvement districts to attract or exclude classes of residents; neighborhood associations lobby school committees to allow or restrict charter schools; states pressure counties to earn revenue with taxes or cash bail. The legal rules governing how these institutions structure themselves and interact with one another can determine who is allowed to participate in local decisionmaking, the range of permissible decisions, and who most benefits from the decisions' execution. This course studies these legal rules to explore the actual and desirable manner in which local power is decentralized and democratically accountable.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Local Government Law

Course #: 2181 **Term:** 2019SP **Faculty:** Frug, Gerald **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:15 PM - 2:45 PM

Tue 1:15 PM - 2:45 PM

Course Description: Prerequisites: None
Exam Type: One-day take-home
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 (6th ed. 2015).

Maimonides' Code "Mishneh Torah": Jewish Law and Legal Theory

Course #: 2980 **Term:** 2019SP **Faculty:** Halbertal, Moshe **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam
The seminar will examine aspects of Maimonides legal theory through a careful examination of sections from his code of Jewish Law the Mishneh Torah, his Commentary on the Mishna, The Guide of the Perplexed, and Maimonides responsa. Among the subjects that will be examined during the seminar: law and philosophy in the Mishneh Torah, Maimondes approach to concepts and structure of authority in Jewish law, Maimonides view of controversy in the law, and the relationships between law and politics. Sources will be provided in English translation as well and no prior knowledge of Hebrew is required.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Making Change When Change is Hard: the Law, Politics, and Policy of Social Change

Course #: 2578 **Term:** 2018FA **Faculty:** Power, Samantha; Sunstein, Cass **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisite: None

Exam Type: In Class

A paper option will be available as well.

This course will look at the role of mass movements, governmental leadership, and lawyers as we explore internal and external efforts to influence governmental, individual, and institutional policies and actions. We will examine diverse ideological goals, assess a range of political and legal approaches, and gauge outcomes. The course will explore several arguments around change: 1) big problems are rarely resolved with comparably big solutions, but instead are better met with small acts of reform; 2) coalition-building among strange bedfellows is usually indispensable; 3) agents of change fare best when they look to measure their impact and never lose sight of the real world results they seek, rather than the expressive highs along the way; 4) informational cascades are possible and critical; and 5) group polarization can be both desirable and dangerous.

Note: This course is cross-listed with HKS and will meet at HLS.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Making Legal History

Course #: 2666

Term: 2019SP

Faculty: Rosenberg, David

Credits: 1.00

Type: Elective

Subject Areas: Legal & Political Theory; Legal History

Delivery Mode: Reading Group

Days and Times:

Location

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

The theme of this reading group is a variation on Josephine Teys *The Daughter of Time*: historians making up history. Instead of the trained skepticism of Teys 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 view of the theory of torts developed by Oliver Wendell Holmes. According to that account, Holmes theory essentially created and controls the current shape and substance of tort liability. In particular, his moralistic and industrial-subsidy and other economic arguments for condemning strict liability won the day for the general rule of letting losses lie where they fall without negligence. Our inquiry will ripen into a genuine whodunit upon discovery that much of the historical record showing that histories of Holmes thinking have hidden and distorted the evidence showing that his theory supported use of *Rylands vs. Fletcher* and other rules of strict liability, most notably for industrial accidents.

To solve the mystery of who did what, when, how and why, we will examine Holmes writings and the changing understanding and representation of them over time. With legal history courses proliferating, and historical arguments exerting increasing influence on judicial decisions, our case study of the history of Holmes thinking can serve as an object lesson in the well-known but too often neglected rule of good practice: check the sources. More generally and positively, exploring Holmes jurisprudence will provide insights into the intellectual wellspring for the leading and enduring explanation of the purposes and processes of court-made law.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Making Rights Real: The Ghana Project

Course #: 2326 **Term:** 2018FS **Faculty:** White, Lucie **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 7:15 PM - 9:15 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Making Rights Real: The Ghana Project (2 winter clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course. Additional Pre-/Co-Requisites: None. By Permission: Yes. See below for details. Add/Drop Deadline: August 28, 2018. LLM Students: LLM students may apply to this clinic by submitting an application. Please follow the directions set forth with respect to JD applications below. Multi-Semester: This is a fall-winter-spring course (1 fall credit + 1 winter credit + 1 spring credit). This course is an academic workshop that wraps around and is concurrent with an on-going field-based clinical project in which students work with Ghanaian partners on economic and social rights realization on the ground. The course -- both the theoretical and practical dimensions -- is situated at the intersection of economic and social rights, development and human rights advocacy. Consult the clinical description for a more elaborate account of the partnership, the projects evolution, and the specific health rights which the 2018 - 2019 partnership is likely to target. The workshop, which awards 3 academic credits -- 1F/ 1W / 1S -- is designed to offer the theoretical frame for the 2018 - 2019 theory/practice experience. Thus, the workshop will focus on Ghana in the context of its history, geography, religion and culture, socioeconomic profile, and development trajectory. It will also enable students to prepare for the interpersonal and cultural challenges of North/South lawyering partnerships. The fall and spring term workshop will include readings, group presentations, academic writing, and jointly produced background and follow-up documents anchored in the practical work. While in Ghana during the Winter Term, the workshop will be centered on seminars, group discussions, consultations with public officials, and site visits that address the theoretical, doctrinal, policy, and sociocultural dimensions of their field-based engagements. There will also be time to visit Ghanas cultural sites and nature reserves. Admission to the academic and clinical components is determined together, by permission of the instructor. Students should apply by submitting a two-page double spaced statement of interest and a one-page CV to the clinical office (clinical@law.harvard.edu) with a cc to the Instructor, Professor Lucie White (lwhite@law.harvard.edu) by 5:00pm on April 13, 2018. Accepted students should then confirm their interest by 5:00 PM on August 15, 2018. The application deadline for LLM students is August 17, 2018 at 5:00 PM. Confirmed candidates will be enrolled in the clinic and clinical course by the Office of Clinical and Pro Bono Programs.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Making Rights Real: The Ghana Project Clinic

Course #: 8025 **Term:** 2019WI **Faculty:** White, Lucie **Credits:** 2.00

Type: Clinic **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Making Rights Real: The Ghana Project (1 fall classroom credit + 1 winter classroom credit + 1 spring classroom credit). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Pre-/Co-Requisites: None.

By Permission: Yes. See below for details.

Add/Drop Deadline: August 28, 2018. >br>

LLM Students: LLM students may apply to this clinic by submitting an application. LLM Applications are due on August 17, 2018, as set forth below.

Placement Site: Ghana.

The Making Rights Real clinic will build on a partnership between Professor White, Harvard law students, and a network of Ghanaian Human Rights / Development organizations which began in 2002. Each year this team plans and implements the winters activities, which focus on a dimension of economic and social rights implementation on the ground. Thus the team might focus on whether the benefits of natural resource extraction actually reach the most impoverished communities in the nation, on the ground.

Within such a broad issue, the work will address a range of human rights, such as access to education, health care, securing a livelihood, and having a voice in policy formation. Specific clinical activities depend on the partnership, but might include the full range of conventional and community lawyering strategies, such as legal research and analysis; reviewing and drafting legislation and regulations; strategy mapping; human rights documentation; participatory action research; partner briefings; designing and facilitating grassroots education and empowerment workshops; conducting community meetings; and working with media. In January of 2019, the work will take place in several high poverty communities throughout the country as well as among government officials and civil society actors based in Accra.

Admission to the academic and clinical components is determined together, by permission of the instructor. To apply, JD students should submit a two-page double spaced statement of interest and a one-page CV to the clinical office (clinical@law.harvard.edu) with a cc to the Instructor, Professor Lucie White (lwhite@law.harvard.edu) by 5:00pm on April 13, 2018. Accepted students should then confirm their continuing interest by 5:00 PM on August 15, 2018. The application deadline for LLM students is August 17, 2018 at 5:00 PM. Confirmed candidates will be enrolled in the clinic and clinical course by the Office of Clinical and Pro Bono Programs.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Management and Leadership Skills for Lawyers

Course #: 2547 **Term:** 2019SP **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 7:00 PM - 9:00 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

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 examine principles, case studies and hypothetical problems with an eye to building 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.

We will cover the fundamental aspects of business management, with an eye to the unique dynamics, challenges and responsibilities that attorneys face in management and leadership roles. We will also explore how management roles and challenges vary across different legal practice settings, including government agencies and offices, for-profit companies, non-profit organizations, and law firms.

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 do various compensation systems affect the management of lawyers and how can compensation be optimally structured?

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?

We will be joined by special guests for several sessions -- experienced lawyers who have held important management and leadership roles and who will share their own stories and experiences of managing and leading in different settings.

Note: This reading group will meet on the following dates: TBD

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Mass Incarceration and Sentencing Law

Course #: 2918

Term: 2019SP

Faculty: Gertner, Nancy

Credits: 3.00

Type: Elective

Subject Areas: Criminal Law & Procedure

Delivery Mode: Course

Days and Times:

Location

Tue 1:00 PM - 4:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This course will first put 20th century sentencing law in sociological and historical context. It will examine the history, philosophy, and administration of the criminal sentencing process, the causes of growth in the US penal population, the historical roots of that growth from the mid 20th century to the present, and the impact of those policies on communities of color and the crime rate. We will then examine more closely the legal framework that enabled those policies, including the war on drugs, emphasis on retribution over rehabilitation, the changes in sentencing law and the structure of sentencing decisionmaking. Particular attention will be devoted to substantive sentencing standards (the insights of neuroscience, evidence based lessons from diversion programs) in addition to the procedures governing those decisions. 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), in addition to the federal sentencing guidelines. We will consider the interplay between principles of proportionality, severity, and parsimony on sentencing law.

This course will be divided into two parts: the first part of the term will involve the substantive law of sentencing, and the sociological and historical context in which it evolved as described in the original course description. But the second part of the term will be somewhat unusual. I will invite judges (federal and state), prosecutors, defense lawyers to join the class in addressing particular sentencing issues, with discussions centered around hypothetical cases. All the participants will sentence; they will review the cases, determine the sentences, and discuss them at the class sessions. The issues will be cases involving addiction and drug offenses, mental health, the neuroscience of childhood adversity, juvenile offenders, sex offenders, and issues of race and gender. The idea is not only to look at sentencing at the meta level, but also at the level of the concrete case, which may challenge the generalizations of the sentencing law.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Mediation

Course #: 2183

Term: 2019SP

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: Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.

Prerequisite: None

Exam Type: No Exam

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.

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.

There is no required text other than photocopied materials.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Mediation Clinic

Course #: 8026

Term: 2019SP

Faculty: Hoffman, David

Credits: 1.00

Type: Clinic

Subject Areas: Procedure & Practice

Delivery Mode: Clinic

Days and Times:

Location

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Mediation (3 spring classroom credits). Some seats are reserved for clinical students. Once a student enrolls in this clinic, the Office of Clinical and Pro Bono Programs will enroll them in the required course. If a student drops this clinic, they will also lose their seat in the required class component.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: January 11, 2019.

LLM Students: LLM students are not eligible to apply.

Placement Site: HLS.

Mandatory Trainings: All students must attend a mandatory training session.

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 court sessions for small claims cases and harassment prevention orders 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 fall 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. For more information about this clinic, including scheduling information, please visit the Harvard Mediation Program website.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Mergers and Acquisitions

Course #: 2186 **Term:** 2018FA **Faculty:** Strine Jr., Leo **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: JD students should have already taken Corporations. LLM students should have had a comparable basic business organization course.

Exam: In Class

The class assumes a knowledge of the fundamentals of American corporate law and without that, a student will be at a profound disadvantage.

Cross-registering Business School students (whom the teacher very much welcomes) need not have taken Corporations; cross-registrants from other parts of Harvard should seek permission to enroll by emailing Chief Justice Strine's HLS assistant, Kathy Goldstein: kgoldstein@law.harvard.edu.

This course, taught by the Chief Justice of the Delaware Supreme Court and former Chancellor of the Delaware Court of Chancery, will focus on the law affecting corporate mergers and acquisitions including both third-party and going-private deals. Though state corporate law will be heavily emphasized, it will also address laws affecting cross border M&A and expose students to key recurring issues of comparative law relevant to M&A practice. The course will also deal substantially with merger agreements, considered as contracts, and the important contractual principles and issues that are relevant in almost every M&A transaction. The course will have a practical bent and will address the real-world problems faced by parties contemplating, attempting, or resisting acquisitions, 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.

This course overlaps with Professor Coates Mergers and Acquisitions Processes and Structures offering; students may only enroll in one of these courses.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Mergers and Acquisitions Workshop: Boardroom Strategies and Deal Tactics

Course #: 2185

Term: 2019WI

Faculty: Gordon, Mark

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Mon 1:00 PM - 4:45 PM

Tue 1:00 PM - 4:45 PM

Wed 1:00 PM - 4:45 PM

Thu 1:00 PM - 4:45 PM

Fri 1:00 PM - 4:45 PM

Course Description: Prerequisite: Corporations or permission to waive the requisite.

Exam Type: In Class

Successful M&A lawyers (and bankers) provide leadership and judgment in the boardroom and tactical execution at the negotiating table. Taught by a Mergers & Acquisitions partner at Wachtell, Lipton, Rosen & Katz, this workshop is intended to give students exposure to both the macro strategic issues faced by directors in M&A situations (buy-side and sell-side; hostile, friendly and crisis) as well as the tactical issues involved in negotiating acquisition agreements and other transaction documents. Topics to be explored include how buyers select, and then woo, their targets and what tactics buyers might pursue to keep the price low and eliminate competition; how target boards respond to acquisition overtures and evaluate bids; how to best structure a sale or auction of a public company; management-led buyouts and the potential for conflicts of interest; distressed company acquisitions and negotiating key provisions of an acquisition agreement, such as representations, "deal protection", closing conditions, walk-away rights and related penalties, and deal financing. The workshop is based around case studies of several real transactions or strategic situations, and makes use of real transaction documents. Students will be expected to make presentations and participate in class discussions and mock strategy and negotiating sessions. Some sessions may feature guest speakers who have been involved in recent deals.

Business school students are very much welcome to cross-register into this course (and have done well in this course in the past), and spaces have been reserved for you. Business School students need not have taken Corporations; students cross-registering from other parts of Harvard should seek permission from Prof. Gordon.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Mind and Criminal Responsibility in the Anglo-American Tradition

Course #: 2831 **Term:** 2019SP **Faculty:** Kamali, Elizabeth Papp **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisites: None.
Exam type: No exam. Grades will be based upon short responses to each week's readings and class participation.
This seminar will explore the deep roots of the modern doctrine of mens rea and will consider a variety of related issues, including insanity, infancy, provocation, and duress. Readings will include a variety of primary and secondary sources from a broad time span in Anglo-American history, from the medieval to the modern. Our goal will be to understand the role of mind in defining the bounds of criminal responsibility at various points in time over the long duration of common-law history, relying upon secondary literature as well as close readings of primary source texts. Students will develop a comparative perspective on issues of mind that continue to perplex lawyers today, while also building a set of critical reading skills that are essential to the work of legal historians and practicing lawyers alike.

Misdemeanor Justice

Course #: 2761 **Term:** 2018FA **Faculty:** Natapoff, Alexandra **Credits:** 1.00

Type: Elective **Subject Areas:** Criminal Law & Procedure

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Misdemeanors comprise the vast bulk of the American criminal system, approximately 80 percent of criminal dockets, yet they are under-scrutinized and under-theorized. This class will explore all aspects of the misdemeanor phenomenon, including its economic, racial, and democratic implications, with an eye towards reconceptualizing the entire criminal process from the perspective of the petty offense. Readings will include legal theory and sociological research as well as litigation documents, government investigations, non-profit reports, and media coverage.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Monuments and Memorialization

Course #: 2792

Term: 2018FA

Faculty: Levinson, Sanford

Credits: 1.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Legal History

Delivery Mode: Reading Group

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

As always, there is no examination or formal paper, but each student will be expected to write one "response paper" of approximately 750 words during the semester in order to help set the agenda for that week's particular discussion.

The past year especially has seen intense controversy over the use of public space to display monuments designed to memorialize ostensible heroes or events. As it happens, the Duke University Press will be publishing in the early fall a 20th Anniversary edition of the 1998 book by Professor Levinson, *Written in Stone: Public Monuments in Changing Societies*, by Professor Levinson. It will contain a new 17000-word Afterword, focusing particularly, but not exclusively, on debates about Confederate monuments in the United States. Special attention is paid to the decisions made at a number of prominent universities, including Harvard, Yale, Princeton, and the Universities of Texas, Virginia, and Mississippi. Law enters the discussion with regard especially to determining what level of government should control any such decisions. There have also been (unsuccessful) suits claiming denial of Equal Protection inasmuch as some monuments can legitimately be seen as valorizing white supremacy.

The new Foreword to the 2018 edition begins with the destruction of the monument of Saddam Hussein in Baghdad shortly after the US ostensibly conquered Baghdad in 2003. And the Afterword discusses, for example, the fate of statues of Cecil Rhodes in South Africa and the UK and the debate over renaming the main tennis court in Melbourne now named after Margaret Court.

In addition to the new edition of *Written in Stone*, students will be expected to read several of the reports issued at the various universities (including the Harvard Law School, concerning the official crest of HLS) and a remarkable speech by Mayor Mitch Landrieu of New Orleans. No doubt other examples will arise by the time the course begins meeting in September 2018.

As always, I have requested that some seats be left open for LL.Ms or SJD students who might be interested, insofar as the issue of monuments and memorialization is clearly a world-wide one.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Music and Digital Media

Course #: 2189 **Term:** 2019SP **Faculty:** Bavitz, Christopher **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisites: A prior course or other background in copyright law would be useful but is not required.
Exam Type: No Exam
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 courses 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

National Security Law

Course #: 2190 **Term:** 2018FA **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: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: Enrollment is by permission of instructor. Interested students should email a CV and statement of interest to Mr. Baker at jimbaker1234@yahoo.com.

Exam Type: No Exam Students will be required to write 3 short thought papers during the semester.

This reading group will address various aspects of the law governing national security. Topics will include constitutional issues regarding national security, electronic surveillance conducted pursuant to the Foreign Intelligence Surveillance Act (FISA), 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.

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

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

National Security Law and Practice

Course #: 2671 **Term:** 2019SP **Faculty:** Olsen, Matthew **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: Enrollment in this seminar is by permission of the instructor. Please send a short statement of interest and resume, as well as your year and program information, to Matt Olsen at molsen@law.harvard.edu. by Friday, November 2, 2018. Enrollment decisions will be made by November 11th.

Exam Type: No Exam

This seminar will examine a series of current national security legal and policy issues. We will explore a range of selected topics that confront national security lawyers and policy makers, including: the structure and regulation of the intelligence community; foreign intelligence surveillance law and policy; counterterrorism operations and lethal targeting; the detention and interrogation of suspected terrorists; the investigation and prosecution of terrorism cases; national security secrecy and the press; and the role of national security lawyers. We will consider these issues in the context of operational practice and government decision-making and examine the difficult legal questions and policy choices these issues raise.

Matt Olsen was the director of the National Counterterrorism Center from 2011 to 2014. He previously served as General Counsel at the National Security Agency and as a federal prosecutor.

Natural Law and Positive Law

Course #: 2192 **Term:** 2018FA **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: Prerequisite: None

Exam Type: No Exam Class will meet every other week for two hours, there will be no paper or exam, and class will be graded credit/fail.

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?

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Natural Resources Law

Course #: 2193 **Term:** 2018FA **Faculty:** Anderson, Robert **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 9:10 AM - 10:10 AM

Tue 9:10 AM - 10:10 AM

Course Description: Prerequisites: None

Exam Type: In-Class

This is a survey course on Natural Resources Law with an emphasis on federal public land management. Topics covered include Wildlife and Living Marine Resources, Rangelands, Forest Lands, Protected Lands, Minerals, Forests, and Energy Resources. Special attention will be paid to issues of Natural Resource Management on American Indian Lands. The course also addresses state responsibilities for natural resources management (focusing on the public trust doctrine).

Negotiation and Mediation Clinical Seminar

Course #: 2194 **Term:** 2018FA **Faculty:** del Nido Budish, Sara **Credits:** 1.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component Harvard Negotiation and Mediation Clinic (2-5 fall clinical 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 have taken the Negotiation Workshop before they are eligible to enroll in this clinic. By Permission: No. Add/Drop Deadline: Please note that this clinic has an early drop deadline of August 3, 2018. LLM Students: Due to the pre-requisite, LLM students are not eligible to apply.

Exam Type: No Exam

This 1-credit seminar is the required classroom component for students doing work through the Negotiation & Mediation Clinical Program during the fall of 2018. 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Negotiation Workshop

Course #: 2195 **Term:** 2019SP **Faculty:** Subramanian, Guhan **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 3:10 PM - 7:20 PM

Thu 3:10 PM - 7:20 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Professor Subramanian will have oversight of the Spring Term Negotiation Workshop which will be taught by lecturers to be determined.

Prerequisite: None

Exam Type: No Exam

*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 noon on Friday, October 5, 2018.

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 3:10 p.m. to 7:20 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 168 students who will be divided into seven 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.

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

2018-2019 Academic Year

March 19, 2018 1:27 PM

Note - Early Drop Deadline

The Workshop has an early drop deadline of November 30, 2018. The course may not be dropped after November 30, 2018 without the written permission of the instructor and students who drop after this date will receive a WD on their transcript.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Negotiation Workshop

Course #: 2195 **Term:** 2019WS **Faculty:** Mnookin, Robert **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

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

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Special drop deadline: Friday, November 2, 2018.

Prerequisite: None

Exam Type: No Exam

*Cross-Registrants: Please note that cross-registrants interested in taking the Workshop must participate in the online application process for the Workshop. The deadline to apply is noon on Friday, October 5, 2018. For more information please visit the course website:

<http://blogs.law.harvard.edu/hnmcp/negotiation-workshop/>.

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.

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 or any other significant obligation during the winter term that conflict with the required course sessions of the Workshop. There will be no Workshop classes during the spring term.

Class attendance is required at all sessions, and please particularly note participants cannot miss any of

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

the first day. The Workshop will begin at 9:00 am sharp on Monday, January 7, 2019. 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. Please also note that the Workshop will have class on Saturdays (specific dates TBD). The Workshop will meet for its final class on Friday, January 25, 2019.

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.

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 Friday, November 2, 2018. The course may not be dropped after this date without the written permission of the instructor. Students who drop after this date will receive a WD on their transcript.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Nietzsche For Lawyers

Course #: 2834

Term: 2018FA

Faculty: Parker, Richard

Credits: 2.00

Type: Elective

Subject Areas: Legal & Political Theory

Delivery Mode: Course

Days and Times:

Location

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

Truly speaking, wrote Emerson, it is not instruction, but provocation, that I can receive from another soul. In this course, we'll read selections by Nietzsche [plus one book: The Genealogy of Morals] in that spirit. The premise is that provocation by this Master Provocateur may be just the therapy that law students need. One former law student, after all, advised that anything we read must be the axe for the frozen sea within us. [Kafka.]

In our last meeting, we'll discuss a great movie: Deer Hunter.

No prior study of Nietzsche is needed. His biography; his intent; the phases of his twenty-year career; the context [historical, philosophical] in which he wrote; his interpretation by others; indeed the meaning of his writing ... all of that fosters erudite avoidance ... and so will be out of bounds. The course is for amateurs able to take Nietzsche's passionate, enigmatic words personally - and, so, able to be provoked by them.

Each student will volunteer to initiate discussion of at least one passage or problem each week. Short final paper required.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Partnership Tax

Course #: 2298

Term: 2018FA

Faculty: Abrams, Howard

Credits: 3.00

Type: Elective

Subject Areas: Taxation

Delivery Mode: Course

Days and Times:

Location

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description: Prerequisites: Taxation or permission of the instructor.

Exam Type: In Class

This class covers the formation, operation, and liquidation of all entities taxable as partnerships including general partnership, limited partnerships, and LLCs. Distributive shares as determined under sections 704(b) and 704(c) are emphasized along with allocations of partnership indebtedness and optional inside basis adjustments. This is an important course for students interested in a career in tax law or in real estate.

The textbook is Doernberg, Abrams & Leatherman, Federal Income Taxation of Corporations and Partnerships (5th ed, 2014).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Patent Law

Course #: 2197

Term: 2019WI

Faculty: Fisher, William

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

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: Prerequisite: None

Exam: In Class

Roughly half of this course will examine and assess the legal rules in the United States and other countries governing patents. The other half will explore policy issues pertaining to patents. Those issues include: the nature and determinants of scientific innovation; the increasingly important roles played by "standard setting organizations" and the ways in which the legal system should regulate those organizations; the degree to which the patent system should differentiate among fields of technology; the appropriate treatment of reverse-payment settlement agreements; and the impact of patent law on the health crisis in the developing world.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Patent Trial Advocacy

Course #: 2934 **Term:** 2018FA **Faculty:** Tompros, Louis **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:10 PM

Tue 1:30 PM - 3:10 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Prerequisite: For JD students there are no formal prerequisites, although a basic understanding of the rules of evidence and the Federal Rules of Civil Procedure is assumed throughout the course. For LLM students, permission of the instructor is required. No technical background or prior experience with patent law is required.

Exam Type: No Exam

This three-credit simulation course will allow students to act as trial counsel in a federal civil action, from the initiation of litigation through trial and judgment, in the unique context of a patent case. Patent trials present particular challenges for lawyers. Effective patent litigators must be strong courtroom advocates, but must also be able to teach technical concepts effectively to both judges and juries, all the while navigating the doctrinally complex and policy-driven world of patent law.

Students will prepare briefs, make oral arguments, take and defend depositions, develop and deliver opening and closing statements, and present and cross-examine witnesses. The course will follow a patent-focused hypothetical case through a motion to dismiss, a claim construction hearing, depositions, and trial. The first two thirds of the course will cover the pretrial and trial preparation period, and the last third will be a student-litigated simulated patent jury trial.

The course will focus on a patent case as an example of a challenging civil trial, and students will get some grounding in patent doctrine as part of the simulation. The focus of the course will, however, be on teaching the broader litigation skills necessary to present technically and legally complex cases to judges and juries.

The instructor for this simulation course is Louis Tompros, a partner at WilmerHale, who has fourteen years of experience litigating patent infringement cases in federal courts throughout the United States.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Policy Advocacy Workshop

Course #: 2583 **Term:** 2019SP **Faculty:** Broad Leib, Emily; Greenwald, Robert **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement.
Prerequisite: None

Exam Type: No Exam

The Policy Advocacy Workshop is a hands-on seminar that will explore the methods, tools, and skills used to conduct legislative and regulatory advocacy. Many law students are interested in using their legal education as a pathway to engage in policymaking. This course will provide students with a range of active opportunities to learn about, discuss, and practice written and oral policy advocacy via simulations and assignments.

Students will learn about the process of issue spotting policy opportunities, developing policy advocacy campaigns, drafting legislation and regulations, and using written and oral advocacy to push for policy change. Students will learn how to effectuate policy reforms that could have real world application by drafting written materials and presenting oral advocacy to demonstrate an implementation strategy for a range of policy reform ideas.

After a few weeks of introductory reading and discussion, there will be short written assignments or preparation for in-class simulations due each week. The students not participating in the assignment for the week will workshop and provide input on the writing and presentations of their classmates, and discuss strategies and skills for improvement.

Each week will focus on a different type of skill or written document relevant to policy advocacy. These will include:

- Issue spotting and policy development
- Petitioning agencies and commenting on agency regulations
- Legislative research and drafting
- Writing policy briefs
- Communications and media strategy
- Grassroots advocacy
- Creating fact sheets and sign-on letters
- Testifying for policymakers

Classroom sessions will also include presentations from guest lecturers who have relevant policy experience, including advocacy organizations, think tanks, and policymakers. Rather than a final examination, grades will be determined on the basis of their written submissions, in-class role plays, class participation, and a final project.

Some seats are reserved for students in the spring Food Law and Policy Clinic or spring Health Law and Policy Clinic. Students who enroll in a clinical seat in this course and then drops their clinical enrollment will also lose their reserved seat in this course. Please note that there is a drop deadline of January 11, 2019 for students in this course enrolled in reserved clinical seats.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Policy, Law and Development in Africa

Course #: 2066 **Term:** 2018FA **Faculty:** Atuguba, Raymond **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 10:20 AM - 11:50 AM

Wed 10:20 AM - 11:50 AM

Course Description: Prerequisites: None

Exam Type: No Exam Students will be expected to write a terminal reflective paper on the seminar.

In this seminar, we aim, together, to provoke a rethink of the concepts of "Africa", "African Policy and Law", and "African Development". In this century, and especially in the last decade, Africa has become a critical factor in global space, so we will explore the concept of "Africa", not as a destination, not in objectification, not in ideation, but in the starkness of its profound reality. We will then attempt a mental capitulation of the assumed singularity and mundaneness of "African Policy and Law" and examine the six levels of that concept, whilst illustrating with real case studies its resilience in the face of rabid assaults from the phenomenon of Euro-American liberalism, legal pluralism, militarism, neoliberalism, constitutionalism, globalization, and continuous terrorist attacks on the spaces it occupies in a typical African polity. Flowing from the above and finally, the seminar examines the capacity and limitations of the extant varieties of African Policy and Law to resolve the continents most crucial and intractable problem: the paradox of radical poverty in the midst of plenty.

Whilst the current concentration in many US Universities on African languages, African literature, African culture is important, they need a complement - African policy/lawmaking; the distinctiveness of African Law and its operationalization; and the deep prospects and huge limitations for the use of policy and law to get Africa out of the paradox of radical poverty amid plenty. This course proposes to fill this void.

Methodologically, participants will be divided up into small teaching teams, which will co-teach each of the topics using real case studies. This will be useful for students thinking of a career in teaching. The case studies will cover the full gamut of key issues that confront African polities on a daily basis: macro-economic stability; security and investor confidence; political governance; international trade; extractivism; local economic development; decentralization; human rights; regional integration; international relations; and multilateralism. These case studies will be examined against the backdrop of hard issues of terrorism; immigration; human trafficking; drug trafficking; illicit financial flows to and from Africa; the China in Africa phenomenon; and the role of IFIs, international organizations and NGOs.

The methodological focus of the seminar will be to improve attitudes, build skills, and transfer knowledge. The most important outcome will be to assist students gain a broader and deeper understanding of the African continent and the policies and laws that operate within her, leading to a change in their attitude towards the continent. This will be done through storytelling, testimonies and roleplays. Second, I will aim to build the skills of students in addressing practical policy and legal issues on the continent. This will be done through case studies, group discussions, and "fieldwork", where students will talk on the phone or via skype (or other means) to Africans working on real life issues, and relay the information acquired from those conversations to their colleagues in class. Finally, I will seek to transfer knowledge about Africa and African Law and Policy from personal experiences - having lived for over forty years in Africa, and worked on policy, law and development issues there for almost a quarter century, in the nonprofit, for profit, and

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

government sectors, and at the lowest and highest levels of all three sectors.

Political Economy After the Crisis

Course #: 2390 **Term:** 2019SP **Faculty:** Unger, Roberto Mangabeira **Credits:** 2.00
Type: Elective **Subject Areas:** Disciplinary Perspectives & Law; International, Comparative & Foreign Law; Legal & Political Theory

Delivery Mode: Course

Days and Times: **Location**

Mon 1:00 PM - 3:00 PM

Course Description: Prerequisites: None

Exam: Takehome, not administered by HLS

The world's economic and political order reels under mounting challenges: the global financial crisis, the austerity debacle, a slowdown in economic growth and productivity, the aggravation of inequality and the inadequacy of conventional responses to it, the discrediting of the Washington Consensus, the globalization backlash, the re-emergence of nationalist politics in Europe and the United States, and a contest over the meaning, value, and requirements of democracy. We examine connections among these phenomena and explore alternative ways of thinking about contemporary market economies and their reconstruction. We organize the course around four related themes: the worldwide financial and economic crisis of the recent past and its management; the effort to promote socially inclusive economic growth in richer as well as in poorer countries; the nature, fate, and dissemination of the new knowledge-intensive style of production; and the past, present, and future of globalization.

Students should have some previous acquaintance with economics but no advanced economic training is required. The course is open to undergraduate and graduate students outside as well as within economics. Readings will be drawn from the classic and contemporary literatures of economics, political science, philosophy, and social theory.

Extended take-home examination/Writing assignments.

Note: This course is jointly-listed with FAS as Societies of the World 31 and HKS as DEV-233.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Popular Sovereignty

Course #: 2911

Term: 2018FA

Faculty: Levinson, Sanford

Credits: 1.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Government Structure & Function; International, Comparative & Foreign Law

Delivery Mode: Reading Group

Days and Times:

Location

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

As always, there is no examination or formal paper, but each student will be expected to write one "response paper" of approximately 750 words during the semester, largely in order to help set the agenda for discussion during that weeks meeting.

For the past two years, one of my reading courses at HLS was "Aspects of Sovereignty." One of those aspects was "popular sovereignty," which in many ways becomes the shaping ideology of "legitimate" government at least since the 18th century and the American and French Revolutions. Indeed, I have argued that Woodrow Wilson, who contributed the associated notion of "national self-determination," is the most important single figure of the 20th century in terms of shaping the continuing discourse of the 21st century. Lenin and Communism are close to dead as motivating forces, but popular sovereignty, for good and for ill, continues to be ever-more important in political discourse. Beginning with a close examination of the Declaration of Independence, we will examine some of the classic texts and arguments associated with the notions of "popular sovereignty" and "national self-determination." A central question is how one defines the members of a group entitled to exercise such sovereignty (and who exactly gets to do the defining). And, inevitably, we will be addressing the question of secessionist movements predicated on the assertion of self-determination, including the American Secession from the British Empire in 1776, the attempted secession by the Confederate States of America in 1861, and more recent events in Canada, the UK (including Brexit), and Spain.

For obvious reasons, I would welcome the participation of LLM and SJD students from abroad who might be interested in this topic.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Poverty, Human Rights, and Development

Course #: 2202 **Term:** 2018FA **Faculty:** White, Lucie **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This course uses a multidisciplinary lens to explore the linkages between global poverty, human rights, and development from an historical, theoretical, institutional, and policy-making perspective. Its departure point is the emergence of a recent "human rights and development" trend, both in academia and policy, as a result of the combined failure of development economics and the human rights movement to effectively address the challenge of global poverty and inequality.

The first part of the course draws on foundational readings from law, development economics, political science, moral philosophy, and social anthropology to introduce historically and normatively situated approaches to development and human rights. The second part explores key themes and current policy debates in the field as they play out at the levels of international financial institutions, national level development strategies, and the private sector. The third part focuses on how human rights to food, health, housing, and a decent livelihood, for instance, can be advanced in developing countries. In this final section of the course, student groups will design and teach workshops about bringing social rights, poverty alleviation, and equitable development together in grounded ways. In addition to readings, response papers, and class exercises, the course will require each student either to take part in teaching an in-class student workshop or write a final paper.

Students will have the option of adding an additional writing credit.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Powering the U.S. Electric Grid

Course #: 2931

Term: 2018FA

Faculty: Peskoe, Ari

Credits: 1.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Environmental Law; Government Structure & Function

Delivery Mode: Reading Group

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

In this reading group, we will explore historic and ongoing legal and policy debates over the fuels that power the U.S. electric grid. We will begin with proposals by the federal government to construct mega-dams in the first half of the twentieth century and continue to current controversies about rooftop solar. The fuels that generate electricity have implications for economic growth and environmental quality (including climate change), and they have unfolded in a complex political environment. To provide context, we will read about the utility industry's business model, the electric grid's operations, and the tradeoffs among different energy sources, including fossil fuels like coal and emission-free energy sources like nuclear and wind. Through these debates, we'll watch an industry evolve and speculate on where it may be headed.

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

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Predatory Lending and Consumer Protection Clinic

Course #: 8035 **Term:** 2018FA **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Predatory Lending and Consumer Protection Clinical Seminar (2 fall classroom 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: August 28, 2018.

LLM Students: LLM students are not eligible to apply.

Placement Site: WilmerHale Legal Services Center (Jamaica Plain).

The Predatory Lending/Consumer Protection Clinic focuses its advocacy efforts on combating abuses of consumers by the financial services industry and sellers of consumer goods, and fighting back against the negative consequences that can result from those abuses. The Clinic's practice consists of a robust general consumer protection and bankruptcy practice focused on debt collection, bankruptcy, car financing, utility and credit card debt, bankruptcy, and mortgage servicing, and a project attacking predatory lending by for-profit colleges, including class action litigation and other complex and federal litigation, as well as policy advocacy.

Our practice is primarily litigation and involves consumer, bankruptcy, administrative, and tort law.

The Clinic:

commences litigation in federal and state court against predatory for-profit colleges and high cost lenders, abusive debt collectors, car dealers and others who prey upon our clients.

represents borrowers who have been harmed by predatory practices of for-profit colleges through its Project on Predatory Student Lending.

defends consumers against unlawful debt collection practices in state court.

represent consumers seeking a fresh start through petitions for bankruptcy.

We enforce the rights of our clients using the Massachusetts Consumer Protection Act, consumer protection laws of other states, federal and state debt collection laws, the Administrative Procedures Act, the Fair Credit Reporting Act, the Telephone Consumer Protection Act, the Electronic Funds Transfer Act, the Higher Education Act, the Administrative Procedures Act, the Equal Credit Opportunity Act, and federal and state credit repair organization laws.

Students in the Clinic gain extensive experience interviewing clients, analyzing financial documents, drafting complaints, drafting and responding to discovery requests, and engaging in long-term case strategizing. Students who participate in the Project on Predatory Student Lending will also gain experience in high-impact federal and state class action litigation, administrative law and procedure, and occasionally, federal and state policy advocacy. Students may also have the opportunity to participate in discovery, negotiate with opposing counsel, argue motions, engage in bankruptcy work, and, on occasion, to work on legislative initiatives.

Students will work either in the general consumer practice or the Project on Predatory Student Lending, and may express a preference between the two practice areas. We will assign students to their preferred practice area subject to clinic needs.

For more information on the Predatory Lending / Consumer Protection Clinics general practice, please

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

contact Roger Bertling, (617) 390-2572. For more information on the Project on Predatory Student Lending, contact Toby Merrill, (617) 390-2576.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Predatory Lending and Consumer Protection Clinic

Course #: 8035 **Term:** 2019SP **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Predatory Lending and Consumer Protection Clinical Seminar (2 spring classroom 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 11, 2019.

LLM Students: LLM students are not eligible to apply.

Placement Site: WilmerHale Legal Services Center (Jamaica Plain).

The Predatory Lending/Consumer Protection Clinic focuses its advocacy efforts on combating abuses of consumers by the financial services industry and sellers of consumer goods, and fighting back against the negative consequences that can result from those abuses. The Clinic's practice consists of a robust general consumer protection and bankruptcy practice focused on debt collection, bankruptcy, car financing, utility and credit card debt, bankruptcy, and mortgage servicing, and a project attacking predatory lending by for-profit colleges, including class action litigation and other complex and federal litigation, as well as policy advocacy.

Our practice is primarily litigation and involves consumer, bankruptcy, administrative, and tort law.

The Clinic:

commences litigation in federal and state court against predatory for-profit colleges and high cost lenders, abusive debt collectors, car dealers and others who prey upon our clients.

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represent consumers seeking a fresh start through petitions for bankruptcy.

We enforce the rights of our clients using the Massachusetts Consumer Protection Act, consumer protection laws of other states, federal and state debt collection laws, the Administrative Procedures Act, the Fair Credit Reporting Act, the Telephone Consumer Protection Act, the Electronic Funds Transfer Act, the Higher Education Act, the Administrative Procedures Act, the Equal Credit Opportunity Act, and federal and state credit repair organization laws.

Students in the Clinic gain extensive experience interviewing clients, analyzing financial documents, drafting complaints, drafting and responding to discovery requests, and engaging in long-term case strategizing. Students who participate in the Project on Predatory Student Lending will also gain experience in high-impact federal and state class action litigation, administrative law and procedure, and occasionally, federal and state policy advocacy. Students may also have the opportunity to participate in discovery, negotiate with opposing counsel, argue motions, engage in bankruptcy work, and, on occasion, to work on legislative initiatives.

Students will work either in the general consumer practice or the Project on Predatory Student Lending, and may express a preference between the two practice areas. We will assign students to their preferred practice area subject to clinic needs.

For more information on the Predatory Lending / Consumer Protection Clinics general practice, please

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

contact Roger Bertling, (617) 390-2572. For more information on the Project on Predatory Student Lending, contact Toby Merrill, (617) 390-2576.

Predatory Lending and Consumer Protection Clinical Seminar

Course #: 2204 **Term:** 2019SP **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Predatory Lending and Consumer Protection Clinic (3-5 spring clinical 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 11, 2019.

LLM Students: LLM students are not eligible to apply.

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.

This workshop is the required classroom component that complements the work of combating abuses of consumers by the financial services industry and fighting back against the negative consequences that can result from those abuses. Specifically, our clinical work focuses on consumer debt collection, for-profit colleges, car financing, utility and credit card debt, bankruptcy, and mortgage servicing.

The seminar introduces students to the substantive law germane to the clinics areas of practice, trains students in the skills needed to litigate effectively, such as depositions, motion drafting and oral argument, and provides the opportunity for students to think strategically about their cases and to consider larger policy frameworks.

Students are graded based upon their participation in class, their completion of written work assigned for class, and performance of in-class exercises.

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Predatory Lending and Consumer Protection Clinical Seminar

Course #: 2204 **Term:** 2018FA **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Predatory Lending and Consumer Protection Clinic (3-5 fall clinical 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: August 28, 2018.
LLM Students: LLM students are not eligible to apply.
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.
This workshop is the required classroom component that complements the work of combating abuses of consumers by the financial services industry and fighting back against the negative consequences that can result from those abuses. Specifically, our clinical work focuses on consumer debt collection, for-profit colleges, car financing, utility and credit card debt, bankruptcy, and mortgage servicing.
The seminar introduces students to the substantive law germane to the clinics areas of practice, trains students in the skills needed to litigate effectively, such as depositions, motion drafting and oral argument, and provides the opportunity for students to think strategically about their cases and to consider larger policy frameworks.
Students are graded based upon their participation in class, their completion of written work assigned for class, and performance of in-class exercises.
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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Prison Law and Policy

Course #: 2394 **Term:** 2019WI **Faculty:** Eisenberg, Avlana **Credits:** 3.00

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

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: Prerequisite: None

Exam Type: No Exam

The last four decades have seen an exponential increase in the United States prison population, and the U.S. now houses more prisoners per capita than any country in the world. This rise of mass incarceration has created a prison industry whose incentives shape criminal justice policy. Most courses in criminal law focus on front end criminal justice practice—the investigation and prosecution of crime, and the sentencing of those convicted. This course focuses on the back end of the criminal justice process, specifically, the law and policy of incarceration. It addresses questions about what obligations the state owes to those it incarcerates and what remedies are available to enforce the state’s obligations. Topics will include the scope of prisoners’ constitutional rights, the prison disciplinary system, and conditions of confinement. We will also examine recent reform efforts and reactions of criminal justice actors, paying special attention to regional and other differences that challenge conceptions of the prison industry as monolithic. This inquiry will highlight the roles and interests of key stakeholders in the criminal justice system—including department of corrections leaders, local sheriffs, correctional officers, private prison executives, and prosecutors—whose decisions affect the future trajectory of the prison population. This course will also consider a broader, comparative frame, situating U.S. prisons in a global context.

Readings will include case law, social science literature, and comparative law texts.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Private Law Workshop

Course #: 2206 **Term:** 2018FA **Faculty:** Goldberg, John; Pojanowski, Jeffrey **Credits:** 2.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Legal & Political Theory

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisite: Admission is by permission of the instructors. Students who wish to be considered for the seminar should submit a CV to Henry Smith (hesmith@law.harvard.edu). Recommended deadline for consideration is July 29th, however, applications will be considered on a rolling basis.

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Progressive Alternatives: Institutional Reconstruction Today

Course #: 2391 **Term:** 2019SP **Faculty:** Unger, Roberto Mangabeira **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 1:00 PM - 3:00 PM

Course Description: Prerequisites: None

Exam: Takehome, not administered by HLS

An exploration of the past and future agenda of progressives, whether self-described as liberals or as leftists. A wide range of problems in contemporary societies require innovation in the institutional arrangements of the market economy and of democratic politics. But the theory and practice of progressives has long been deficient in the imagination of institutional alternatives. They have wanted to humanize the market order by means of redistributive taxation and social spending; they have not known how to reshape it. Here we search for the structural vision and the alternative forms of economic and political organization that have remained beyond the horizon of contemporary politics and policy. Law and legal thought have special pertinence to this inquiry. Because they deal with institutional details, they speak to institutional possibilities.

A major focus for our discussion this year will be the future of the knowledge economy. The most advanced, knowledge-intensive practice of production remains confined to vanguards of the economy, excluding the vast majority of the labor force. That confinement has become a powerful cause of economic stagnation and inequality. How can we overcome it and use its overcoming as an opportunity to democratize the market and to deepen democracy?

Note: This course is jointly offered with FAS as Government 1092 and HKS as DPI-348. It is open to graduate and undergraduate students alike.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Public Health Law and Policy

Course #: 2497 **Term:** 2018FA **Faculty:** Greenwald, Robert; Rosenberg, Amy **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.
Prerequisites: This seminar is open to LLM students by permission.

Exam Type: No Exam

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 current public health and access to care challenges.

This seminar begins with an analysis of health systems in other countries. Next, we discuss the key policy decisions 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 Protection and Affordable Care Act. We also consider several state initiatives that highlight how states are acting as laboratories of innovation to implement sweeping health and public health reforms. Finally, we discuss the current health law and policy climate in this country and explore both the opportunities and challenges for health policy solutions focused 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.

Some seats are reserved for students in the fall Health Law and Policy clinic. If a student drops the fall clinic, they will also lose their reserved seat in this course. Please note that there is an early drop deadline of August 28, 2018 for students in this course enrolled in reserved clinical seats.

Enrollment in this seminar is limited to 20 students.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Public Health Law and Policy

Course #: 2497 **Term:** 2019SP **Faculty:** Greenwald, Robert; Rosenberg, Amy **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.

Prerequisites: Enrollment in the seminar is limited to 20 students, and is open to LLM students by permission.

Exam Type: No Exam

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 current public health and access to care challenges.

This seminar begins with an analysis of health systems in other countries. Next, we discuss the key policy decisions 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 Protection and Affordable Care Act. We also consider several state initiatives that highlight how states are acting as laboratories of innovation to implement sweeping health and public health reforms. Finally, we discuss the current health law and policy climate in this country and explore both the opportunities and challenges for health policy solutions focused 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.

Some seats are reserved for students in the spring Health Law and Policy clinic. If a student drops the spring clinic, they will also lose their reserved seat in this course. Please note that there is an early drop deadline of January 11, 2019 for students in this course enrolled in reserved clinical seats.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Public Law Workshop

Course #: 2213 **Term:** 2019SP **Faculty:** Renan, Daphna; Manning, John **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: Instructor permission is required for enrollment. Applicants should send a statement of interest and resume to Ellen Shapiro-Smith at eshapirosmith@law.harvard.edu by October 31.

Exam Type: No Exam

Students will be required to write weekly questions and one response paper.

The Public Law Workshop reads a mix of classic and contemporary work, in legal theory and adjacent disciplines, on the legal and political foundations of constitutional law, interpretive practice, and the administrative state. Invited speakers will present papers on topics relevant to the workshops themes.

Race and Federalism

Course #: 2148 **Term:** 2019SP **Faculty:** Charles, Guy-Uriel **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Course Description:

Race and the Law

Course #: 2276 **Term:** 2019SP **Faculty:** Charles, Guy-Uriel **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Course Description:

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Racial Justice Reading Group

Course #: 2953 **Term:** 2019SP **Faculty:** Caramello, Esme **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 3:20 PM - 4:40 PM

Course Description: Please Note: This by-permission reading group is available only to current HLAB students. Harvard Legal Aid Bureau members see firsthand, on a daily basis, the impact of race on their clients' lives, their legal needs, their legal rights and responsibilities, and their ability to seek and secure justice in the civil court system. While we consider race-based inequality and the concept of "racial justice" in our broader discussions of legal ethics and professionalism, lawyering skills, and access to justice in both Bureau seminars, Introduction to Advocacy (2Ls) and Advanced Clinical Practice (3Ls), a deep study of the enormous impact of race on our work is beyond the scope of those courses. The racial justice reading group offers HLAB members the opportunity for a richer discussion and understanding of racial justice and the U.S. civil legal system, helping them to become more competent, more creative 21st century lawyers and social justice leaders. The reading group will be graded Credit/Fail based upon class participation.

Reading Group in Taxation

Course #: 2906 **Term:** 2019SP **Faculty:** Warren, Alvin **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisites: Taxation

Exam Type: No Exam

This reading group will address a variety of current issues in tax law, policy and practice.

Note: This reading group will meet on the following dates: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Real Estate Law

Course #: 2218

Term: 2019SP

Faculty: Mechanic, Jonathan

Credits: 2.00

Type: Elective

Subject Areas: Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Fri 1:15 PM - 3:15 PM

Course Description: Prerequisite: None

Exam Type: Last Class Take-Home

Class size will be limited, so attendance is mandatory and class participation will be a component of final grades.

This course will provide a practical introduction to the exciting world of real estate law. It will canvas a broad range of sophisticated real estate transactions and explore issues relating to sales, purchases, mortgage financing, mezzanine financing, commercial leasing, ground leasing, joint ventures, "air rights" transactions, land use and private/public partnerships.

The course is designed to give students, who are interested in practicing real estate law, insight into the practical lawyering experiences of real estate attorneys practicing in major urban centers and to provide them with a head-start in pursuing their career interests. We will use documentation from actual deals to study each type of transaction. Some sessions will feature guest speakers, including leading developers and other industry experts.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Regulation of Financial Institutions

Course #: 2219 **Term:** 2018FA **Faculty:** Jackson, Howell **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 10:20 AM - 12:00 PM

Mon 10:20 AM - 12:00 PM

Tue 10:20 AM - 12:00 PM

Course Description: Prerequisite: None

Exam Type: Last ClassTake-Home Students enrolled in the course will be expected to prepare one short research paper on a topic of current interest. There will also be a take-home examination distributed at the last class.

This course explores the regulation of financial institutions and financial markets. Over the course of the semester, we will examine the many different regulatory agencies and supervisory mechanisms that have evolved in the United States to govern the business of banks, securities firms, asset managers and insurance companies. The course will cover prudential regulation and consumer protection, as well as the oversight of systemic risks. While the primary focus of the course will be on financial regulation in the United States, readings and class discussion will frequently extend to comparative, cross-border, and multi-lateral aspects of financial regulation.

In the Fall of 2018, a particular focus of the course will be to consider the extent to which the Trump Administration and its appointees have altered the regulatory reforms put in place under the Dodd-Frank Act of 2010 in the wake of the financial crisis of the last decade. Among other things, this topic will allow us to consider a number of open questions regarding the application of administrative law principles in the context of financial regulation.

Readings will primarily be from Barr, Jackson & Tahyar, *Financial Regulation: Law and Policy* (Foundation Press 2nd ed. 2018) though some supplemental materials will be posted to the courses Canvas website, including several case studies posing issues of current policy concern.

The course will meet for approximately twenty-two sessions of an hour and forty minutes, with classes ending by Thanksgiving Break. The meeting dates will be posted on Canvas before the start of the semester.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Regulation of International Finance

Course #: 2125 **Term:** 2019SP **Faculty:** Tarullo, Daniel **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 10:20 AM - 11:50 AM

Wed 10:20 AM - 11:50 AM

Course Description: Prerequisite: None

Exam Type: Last Class Take-Home

This course will examine international arrangements for the regulation of finance. Arrangements covered include the International Monetary Fund, the Financial Stability Board, the Basel Committee on Banking Supervision, the International Organization of Securities Commissions, the European Union, and the General Agreement on Trade in Services within the World Trade Organization. Specific substantive topics will be chosen to illustrate their activities. We will consider the substantial differences among these arrangements in institutional and governance structures, legal status, and relationship to domestic regulation. A recurring theme will be the tensions between the presumptive shared interests of governments in predictable rules or financial stability, on the one hand, versus divergent national commercial interests or regulatory preferences, on the other.

Religious Freedom Research

Course #: 2482 **Term:** 2018FA **Faculty:** Glendon, Mary Ann; Rienzi, Mark **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This seminar is an intensive writing course devoted to developing, researching, and producing a substantial paper on current issues in religious freedom law, domestic or international.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Remedies

Course #: 2221

Term: 2018FA

Faculty: Gersen, Jacob

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Wed 1:15 PM - 2:45 PM

Fri 1:15 PM - 2:45 PM

Course Description: Prerequisites: None

Exam Type: One Day Take-Home

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Research Seminar in Law, Economics, and Organizations

Course #: 2157 **Term:** 2019SP **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: **Location**

Mon 12:30 PM - 2:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Research Seminar in Law, Economics, and Organizations

Course #: 2157 **Term:** 2018FS **Faculty:** Kaplow, Louis; Bebchuk, Lucian; Spier, Kathryn **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: Prerequisite: None

Exam Type: No Exam

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.

Credits: 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Research Seminar in Law, Economics, and Organizations

Course #: 2157 **Term:** 2018FA **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: **Location**

Mon 12:30 PM - 2:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Restorative Justice

Course #: 2654 **Term:** 2018FA **Faculty:** Lanni, Adriaan **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam: No Exam

This reading group will discuss the theory behind restorative justice and examine current experiments in the practice of restorative justice, with a visit or two from restorative justice practitioners.

Participants will be expected to hand in a one-page reaction paper to three of the readings to help stimulate discussion.

Note: The class will hold 6 meetings of 2 hours each in October and November. Specific dates are TBD.

Securities Regulation

Course #: 2224 **Term:** 2019SP **Faculty:** Ferrell, Allen **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 9:50 AM - 11:50 AM

Fri 9:50 AM - 11:50 AM

Course Description: Prerequisites: Most students find it helpful to have completed or to take concurrently a course in Corporations before taking Securities Regulation.

Exam: In Class

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Securities Regulation

Course #: 2224 **Term:** 2018FA **Faculty:** Jackson, Howell **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

Course Description: Prerequisites: While there are no formal prerequisites for this course, most students will find it helpful to have taken (or to be taking concurrently) a course on corporations, or to have some other previous exposure to financial or business matters.

Exam Type: In Class

This course is designed to offer an overview of the work of the Securities and Exchange Commission, the structure of U.S. capital markets, and key policy challenges facing the Commission today. The course will begin with an introduction to the regulation of securities offerings under the Securities Act of 1933. We will then turn to the disclosure obligations of public firms, SEC oversight of capital markets, and the supervision of investment management. Attention will also be given to the Commission's enforcement practices and current debates regarding the efficacy and legality of those practices. As time permits, we will touch upon issues of cross-border coordination in the public oversight of both capital raising and enforcement activities.

The course will meet for twenty-four ninety minutes sessions. Course materials to be announced.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Seeing Criminal Justice: Examining the Interplay of Visual Media, Storytelling and Criminal Law

Course #: 2984 **Term:** 2018FA **Faculty:** Cohen, Rebecca Richman **Credits:** 2.00

Type: Elective **Subject Areas:** Criminal Law & Procedure; Disciplinary Perspectives & Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 8:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

The law is awash in stories. Stories from within and beyond the walls of the courtroom shape our impressions of the criminal justice system; they challenge or affirm our norms; they help us make sense of the world and its complexities. Yet these stories often stand in tension with one another. Police body cameras, videotaped confessions, mitigation and victim impact videos, primetime television, citizen journalism, and documentary films often produce narratives that compete with each other, and with our own entrenched beliefs. Together, we will explore different approaches to understanding how visual technologies, particularly with respect to video, have shifted the way we come to understand criminal justice narratives. Visual media commands a unique power to evoke empathy and to make powerful claims about truth. But such power can also distort and mislead. Grounded in these understandings, we will embark on a project of "media literacy" and explore questions around audience, authorship, truth, and objectivity as we consider how visual media may be used as a conduit to communicate criminal justice stories.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Sentencing Law, Policy and Practice

Course #: 2427

Term: 2018FA

Faculty: Wroblewski, Jonathan

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: Prerequisite: Criminal Law

Exam Type: No Exam

This seminar will examine the law, underlying policy, history, philosophy, and administration of criminal sentencing. It will focus on the shared and intertwined powers and responsibilities of legislators, prosecutors, judges, defense lawyers, probation and pretrial officers, treatment providers, law enforcement, victims, sentencing commissions, and the community on sentencing outcomes. The course will explore the foundational role of the criminal code in sentencing and how different forms of statutory crimes and sentencing guidelines impact the sentencing process and the distribution of sentencing power. Students will learn the basic elements of the federal sentencing guidelines, apply those elements to various fact patterns. The course will also explore the issues of prosecutorial and judicial discretion, plea-bargaining, mandatory minimum sentencing statutes, truth-in-sentencing, racial, ethnic and gender disparities in sentencing, and recent congressional and state efforts to reform sentencing.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Sex Equality

Course #: 2226

Term: 2018FA

Faculty: MacKinnon, Catharine

Credits: 3.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Family, Gender & Children's Law

Delivery Mode: Course

Days and Times:

Location

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home, or 3 short papers throughout the term for lottery-selected group of 30 students who apply.

The relation between sex equality under law and sex and gender 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 largely on U.S. law focusing 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 mainstreamed. The purpose of the course is to understand, criticize, and expand the law toward sex and gender equality, including between women and men, as well as to expand the equality paradigm.

Casebook: MacKinnon, Sex Equality Third edition (Foundation, 2016).

Note: This course will meet for the first six weeks of the term.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Sexual Harassment Law: Employment and Education

Course #: 2118

Term: 2018FA

Faculty: MacKinnon, Catharine

Credits: 2.00

Type: Elective

Subject Areas: Employment & Labor Law; Family, Gender & Children's Law

Delivery Mode: Seminar

Days and Times:

Location

Wed 5:00 PM - 7:00 PM

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Students will be required to write a seminar paper no longer than 30 pages.

An examination of the key legal and social issues raised by sexual harassment in doctrine and reality, with focus on cases under Title VII (discrimination in employment) and Title IX (discrimination in education).

Note: This seminar will meet for the first six weeks of the term.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Special Education Advocacy for Students Impacted by Trauma

Course #: 2993

Term: 2018FA

Faculty: Gregory, Michael

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Thu 1:00 PM - 3:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Clinic Component: Education Law Clinic: Individual Representation (3-5 fall clinical 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: Please note this clinic has an early drop deadline of August 3, 2018.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

Students must attend a mandatory orientation session on Friday, September 7, 2018 from 1:00-4:00 PM.

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. 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Sports and the Law: Examining the Legal History and Evolution of America's Three "Major League" Sports: MLB, NFL and NBA

Course #: 2229 **Term:** 2018FA **Faculty:** Carfagna, Peter **Credits:** 1.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Employment & Labor Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

Delivery Mode: Course

Days and Times: **Location**

Thu 1:15 PM - 2:45 PM

Course Description: Prerequisites: None

Exam Type: Last-Class Take-Home

Class participation and successful completion of weekly assignments will count for a significant portion of the students final grade.

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.

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 2018 are strongly encouraged to enroll in the 2-credit fall 2018 "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 clinics description or review the Sports Law Clinic Guide for more information.

Note: 8 classes / first 8 weeks.

Students who are interested in the winter or spring 2018 Sports Law Clinic are strongly encouraged to enroll in both of Prof. Carfagnas fall courses: "Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA" and "Sports Law: Advanced Contract Drafting."

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Sports and the Law: Representing the Professional Athlete

Course #: 2230 **Term:** 2019WI **Faculty:** Carfagna, Peter **Credits:** 2.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Employment & Labor Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 4:15 PM

Tue 1:30 PM - 4:15 PM

Wed 1:30 PM - 4:15 PM

Thu 1:30 PM - 4:15 PM

Fri 1:30 PM - 4:15 PM

Course Description: Prerequisite: None

Exam Type: Last Class Take-Home Class participation and successful completion of weekly assignments will count for a significant portion of the students final grade.

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.

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 clinics description or review the Sports Law Clinic Guide for more information.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Sports Law Clinic

Course #: 8028 **Term:** 2019SP **Faculty:** Carfagna, Peter **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will not fulfill the HLS JD pro bono requirement. Required Class Component: This clinic requires that students have taken 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 2018); Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA (fall 2018); Sports and the Law: Representing the Professional Athlete (winter 2019).

By Permission: Yes. The deadline to apply is October 10, 2018. Please see below for additional instructions.

Add/Drop Deadline: January 11, 2019.

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 October 10, 2018. 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 and to Professor Carfagna (pcarfagna@law.harvard.edu). Please note that your application materials may be sent to placement organizations during the selection process. This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Most placement organizations are open Monday-Friday from 9am-5pm.

Students who are interested in the winter or spring 2019 Sports Law Clinic are strongly encouraged to enroll in both of Prof. Carfagna's fall courses: "Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA" and "Sports Law: Advanced Contract Drafting."

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Sports Law Clinic

Course #: 8028 **Term:** 2019WI **Faculty:** Carfagna, Peter **Credits:** 2.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will not fulfill the HLS JD pro bono requirement.

Required Class Component: This clinic requires that students have taken 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 2018); Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA (fall 2018); Sports and the Law: Representing the Professional Athlete (winter 2019). By Permission: Yes. The deadline to apply is October 10, 2018. Please see below for additional instructions. Add/Drop Deadline: November 30, 2018. LLM Students: LLM students may apply to this clinic by submitting an application. Placement Site: Various externship placements.

Clinical students work full-time over the winter term on-site at their placement organization. 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 October 10, 2018. 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 and to Professor Carfagna (pcarfagna@law.harvard.edu). Please note that your application materials may be sent to placement organizations during the selection process.

Students who are interested in the winter or spring 2018 Sports Law Clinic are strongly encouraged to enroll in both of Prof. Carfagnas fall courses: "Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA" and "Sports Law: Advanced Contract Drafting."

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Sports Law: Advanced Contract Drafting

Course #: 2349 **Term:** 2018FA **Faculty:** Carfagna, Peter **Credits:** 2.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Employment & Labor Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice

Delivery Mode: Course

Days and Times: **Location**

Wed 1:00 PM - 3:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Prerequisites: None

Exam Type: Last-Class Take-Home

This course will provide students the opportunity to negotiate and draft agreements that a lawyer advising a sports team would encounter. Students in the course will learn about the various components of complex deal documents and have the opportunity to then draft these documents. Students in the course will also explore and experiment with negotiating strategies. Overall, the goal of the course 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.

Students taking this course and who are interested in sports law clinical placements during winter or spring 2018 are strongly encouraged to enroll in the 2-credit fall 2018 "Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA."

Note: Last class will be a double on 11/14.

This course fulfills the pre-requisite for the Sports Law Clinic. Please see the clinics description or review the Sports Law Clinic Guide for more information.

Students who are interested in the winter or spring 2018 Sports Law Clinic are strongly encouraged to enroll in both of Prof. Carfagna's fall courses: "Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA" and "Sports Law: Advanced Contract Drafting."

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

State Constitutional Law

Course #: 2507 **Term:** 2019WI **Faculty:** Sutton, Jeffrey **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:00 AM - 12:15 PM

Tue 10:00 AM - 12:15 PM

Wed 10:00 AM - 12:15 PM

Thu 10:00 AM - 12:15 PM

Fri 10:00 AM - 12:15 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Each student will be responsible for one in-class presentation and two 6-8 page papers.

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

State Energy Law

Course #: 2974

Term: 2019SP

Faculty: Peskoe, Ari

Credits: 2.00

Type: Elective

Subject Areas: Environmental Law; Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

The course will require one short paper (3-4 pages) and one long paper about a topic of the students choosing.

States play a leading role in forging our nations energy policy. State regulatory authority over in-state activities is pervasive, from resource extraction to utility ratemaking. This seminar offers an overview of core state functions, the legal questions they present, and the current policy debates and legal battles over the future of our energy sector. Across all of these topics, we explore how state roles change over time, given federal action in this space, case law, and industry developments. Topics will include: regulation of electric utilities; pipeline and infrastructure siting; renewable energy development policies; oil and gas production; and, regional and multi-state energy partnerships.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Supreme Court Litigation

Course #: 2233 **Term:** 2019WI **Faculty:** Goldstein, Thomas; Harrington, Sarah; Russell, Kevin **Credits:** 1.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Supreme Court Litigation Clinic (2 winter clinical 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 October 1, 2018.

Add/Drop Deadline: November 30, 2018.

LLM Students: LLM students may apply by submitting an application.

Placement Site: Washington D.C. This course is co-taught by Tom Goldstein, Kevin Russell, Sarah Harrington and Eric Citron.

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 1, 2018. Enrollment is limited to 10 students.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Supreme Court Litigation Clinic

Course #: 8030 **Term:** 2019WI **Faculty:** Goldstein, Thomas; Harrington, Sarah; Russell, Kevin **Credits:** 2.00

Type: Clinic **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Supreme Court Litigation (1 winter classroom 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 October 1, 2018.

Add/Drop Deadline: November 30, 2018.

LLM Students: LLM students may apply by submitting an application.

Placement Site: Washington D.C. This course is co-taught by Tom Goldstein, Kevin Russell, Sarah Harrington and Eric Citron.

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 1, 2018. Enrollment is limited to 10 students.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

System-Involved Youth Clinical Seminar

Course #: 2275 **Term:** 2018FA **Faculty:** Hazen, Crisanne **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Clinic Component: Child Advocacy Clinic: System-Involved Youth (4-5 fall clinical 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: Please note this clinic has an early drop deadline of June 30, 2018.

LLM Students: Due to the early drop deadline, LLM students are not eligible to enroll.

The Child Advocacy Clinic: System-Involved Youth is designed to educate students about a range of issues faced by children and youth involved in the child welfare and juvenile justice systems. With a specific focus on adolescents and young adults, this course will address issues such as transitioning out of the foster care system, sexual exploitation, teen parenting, medical consent, and the rights of youth in the juvenile justice system.

All clinic students participate in both the classroom seminar and a clinical fieldwork component during the fall semester.

During the fall seminar, students bring into the classroom their varied experiences, presenting on both specific projects and cases in which they are engaged, and also their placement organizations larger vision for improving conditions for children involved in the child welfare and juvenile justice systems. Students reflect on each others varied experiences, consider which strategies in the field are working and why, and evaluate the benefits and limitations of different approaches. Students will learn about and thoughtfully consider the unique legal issues affecting this population of youth through reflections, readings and class discussions.

Regular classroom attendance and active participation in discussion is required. Grading will be based on a combination of each students clinical fieldwork, seminar presentation and related packet, contributions to class discussion throughout the term, and one or more short reflection papers.

Once enrolled in the Clinic, the Child Advocacy Program (CAP) will provide students with a list of fieldwork placement sites and their potential projects. Students will give CAP information about their background and interests and rank their placement preferences. CAP will then match students with a placement based on their preferences, the organizations' needs, and CAPs mission to provide students with a broad spectrum of experiences. Visit the CAP Clinic webpage for more about the Clinic, including answers to frequently asked questions.

This course is part of the Child Advocacy Program (CAP), whose other courses are: Art of Social Change; Child Advocacy: Child Welfare, Education & Juvenile Justice Clinical Seminar; Child, Family, and State (alternating years); Family Law (alternating years); and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Systemic Advocacy for Safe and Supportive Schools

Course #: 2774 **Term:** 2019SP **Faculty:** Gregory, Michael; Cole, Susan **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Education Law Clinic: Legislative and Administrative Lawyering (3-5 spring clinical 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: Please note this clinic has an early drop deadline of November 30, 2018.

LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

Please note this course has a unique schedule. There will be two meetings of the course in each of the first two weeks of the semester in order to front load content so students are prepared to engage in advocacy. To compensate, there will be two weeks in the middle of the semester where there is no class meeting. The course will meet on the following dates and times:

Thu, Jan 31, 5 - 7 pm

Thu, Feb 7, 5 - 7 pm

Thu, Feb 14, 5 - 7 pm

Thu, Feb 21, 5 - 7 pm

Thu, Feb 28, 5 - 7 pm

Thu, Mar 28, 5 - 7 pm

Thu, Apr 4, 5 - 7 pm

Thu, Apr 11, 5 - 7 pm

Thu, Apr 18, 5 - 7 pm

Thu, Apr 25, 5 - 7 pm

Please also note that students are required to schedule a substantial portion of their clinic office hours for the associated clinic (Education Law Clinic: Legislative and Administrative Lawyering) on Tuesdays, Wednesdays and Thursdays because these are the days the Massachusetts legislature is typically in session.

In this seminar 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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

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.

Tax Law, Finance, and Strategic Planning

Course #: 2806 **Term:** 2018FA **Faculty:** Brennan, Thomas **Credits:** 2.00

Type: Elective **Subject Areas:** Taxation

Delivery Mode: Seminar

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Pre-requisite: Taxation

Exam Type: No Exam

This course develops tools for understanding and evaluating the effect tax laws have on strategic planning in both business and personal contexts. The perspective taken is generally that of financial economics, with cash flows resulting from transactions being viewed as items which are subject to valuation using asset pricing techniques. This approach allows for a precise understanding of where the value in a transaction comes from and how careful tax planning can help maximize this value. Consideration is also given to policy responses to strategic planning.

No advanced coursework in finance is assumed, but a variety of concepts are introduced in the course, and students are expected to learn how to use them effectively in the context of arriving at optimal tax strategies. Techniques covered include present value analysis, the use of payoff diagrams, option pricing using simple models and the Black-Scholes formula, and, as time permits, application of tax strategies to data sets based on historical and simulated financial data.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Taxation

Course #: 2234

Term: 2019SP

Faculty: Desai, Mihir

Credits: 4.00

Type: Multisection

Subject Areas: Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

Delivery Mode: Course

Days and Times:

Location

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

Course Description:

Prerequisite: None

Exam Type: In Class

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, and CCH Federal Income Tax, Code and Regulations, Selected Sections.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Taxation

Course #: 2234 **Term:** 2018FA **Faculty:** Brennan, Thomas **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:25 AM - 11:45 AM

Tue 10:25 AM - 11:45 AM

Wed 10:25 AM - 11:45 AM

Course Description: Prerequisites: None

Exam Type: In Class

This course is an introductory study of federal income taxation covering inclusion and exclusion of items in computing gross income; deductions from gross income; accounting and timing considerations; capital gains and losses; and the treatment of the family and gifts. Consideration will be given to the interaction of the legislative, executive, and judicial roles 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 strategic behavior of taxpayers in response to the tax law; and to the impact of the tax law on private property transfers and other transactions. 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.

Taxation

Course #: 2234 **Term:** 2019SP **Faculty:** Abrams, Howard **Credits:** 4.00

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

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: Prerequisites: None

Exam Type: In Class

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. A principal goal of this course is to teach students to analyze and apply a complex federal statute. Unless waived by the instructor, Taxation generally is a pre-requisite for J.D. students in the advanced tax courses.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Taxation

Course #: 2234 **Term:** 2019SP **Faculty:** Kaplow, Louis **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

Course Description: Prerequisites: None

Exam Type: In Class

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.

Taxation

Course #: 2234 **Term:** 2018FA **Faculty:** Warren, Alvin **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 8:15 AM - 9:40 AM

Thu 8:15 AM - 9:40 AM

Fri 8:15 AM - 9:40 AM

Course Description: Prerequisite: None

Exam Type: In Class

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 prerequisite for J.D. students in the advanced tax courses.

The materials for the course are Graetz, and Schenk, Federal Income Taxation (8th edition, 2018), and CCH Federal Income Tax, Code and Regulations, Selected Sections (2018-2019 edition).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Taxation of Business Corporations

Course #: 2274

Term: 2019SP

Faculty: Brennan, Thomas

Credits: 4.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

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: Prerequisite: Taxation

Exam Type: In Class

This course covers the major tax law and policy issues involved in the organization, operation, and restructuring of U.S. corporations, including the tax treatment of corporate shareholders. 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 divisions. In the U.S., the structure of these major corporate transactions is very heavily influenced by the applicable tax provisions.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Teaching Copyright

Course #: 2636 **Term:** 2019SP **Faculty:** Fisher, William **Credits:** 3.00

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: This course has an early drop deadline of December 1.

By permission: Teaching Copyright is open to all 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 2018. Harvard Law School students who satisfy these requirements may enroll by emailing Kathy Curley at curley@law.harvard.edu by November 21. Other students may enroll only with the permission of the instructor. To seek such permission, please send a resume and an explanation of your interest and qualifications to tfisher@law.harvard.edu by November 21.

Exam Type: No Exam

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 the 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 discuss 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 during one of the time slots allocated to the regular Copyright course. On a few occasions, however, it will meet on a weekday evening.

Additional information concerning CopyrightX and the role of the Teaching Fellows can be found by visiting copyx.org or by emailing [copyrightx\[at\]cyber.law.harvard.edu](mailto:copyrightx[at]cyber.law.harvard.edu).

Note: The credit breakdown for this course is as follows: three total credits -- two classroom credits and one writing credit.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Administrative State and the Demand for Judicial Intervention

Course #: 2787

Term: 2018FA

Faculty: Larsen, Allison

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This Reading Group will discuss the role of courts in monitoring decisions of federal agencies. For decades federal courts have reviewed the policy decisions of administrative agencies to ensure they are carefully made and not "arbitrary and capricious." There is widespread debate, however, over the scope of this standard of review. Should courts only monitor the process an agency follows? Should they strive to keep politics out of agency decision-making? And, in any event, how hard of a look should a court give to an agency rule?

Recent events heighten the stakes of this debate. When the FCC changed course on net neutrality, for example, there were allegations that many of the comments received were either fraudulent or misleading in some way. Commentators questioned whether it is a courts job to police the quality of the rule-making process. Should courts hunt for "alternative facts" and forbid reliance on them? And, to take another example, the EPA's decision to dramatically change the qualifications for its advisory board received a significant amount of criticism. Should that decision be subject to judicial review?

The purpose of this Reading Group will be to explore these questions and to debate the virtues and vices of relying on increased judicial intervention to supervise the actions of administrative agencies.

Note: The class will meet six times over the course of the Fall semester, all on Thursday evenings. Attendance at all sessions will be required. Specific dates are TBD.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Art and Science of Financial Regulation

Course #: 2723

Term: 2018FA

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:

Location

Thu 3:00 PM - 5:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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 directed do not capture all that has been underway and that is still to come. The regulatory developments taking hold impact banks, broker-dealers, mutual funds, hedge funds, private equity funds, 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 financial regulatory landscape and its impact on our capital markets, the role and mission of the SEC, and how the SEC operates in practice. Troy Paredes, who will be teaching the course, will offer an insider's view, having served as an SEC Commissioner from 2008-2013.

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

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Conduct of Life in Western and Eastern Philosophy

Course #: 2392 **Term:** 2019SP **Faculty:** Unger, Roberto Mangabeira; Puett, Michael; West, Cornel **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: Prerequisites: None

Exam: Takehome, not administered by HLS

A study of approaches in the philosophical traditions of the West and the East to the conduct of life. Philosophical ethics has often been understood as meta-ethics: the development of a method of moral inquiry or justification. Here we focus instead on what philosophy has to tell us about the first-order question: How should we live our lives? No prerequisites other than a willingness to consider a wide range of problems and materials.

Note: This course is jointly-listed with FAS as ETHRSO 20.

The Early American Republic

Course #: 2060 **Term:** 2018FA **Faculty:** Gordon-Reed, Annette **Credits:** 3.00

Type: Elective **Subject Areas:** Legal & Political Theory; Legal History

Delivery Mode: Course

Days and Times: **Location**

Course Description: Prerequisites: None

Exam Type: One Day Take-Home

This course will explore the creation of the United States after the conclusion of the American Revolutionary War through the presidency of Andrew Jackson. We will focus on politics, social and cultural life during this period. We will discuss, among other things, the concepts of republicanism and federalism, the French and Haitian Revolutions' effect on politics in the 1790s, Jefferson versus Hamilton, slavery, and attitudes toward Native Americans and women. Other topics: Jefferson's election in 1800, the War of 1812, the initial conflicts over slavery, the calls for a white man's government" and the overall effects of Jackson's presidency.

Note: This course is jointly listed with FAS as History 1005.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Effects of Mass Incarceration: Experiences of Prison and Parole

Course #: 2624

Term: 2018FA

Faculty: Umunna, Dehlia

Credits: 1.00

Type: Elective

Subject Areas: Criminal Law & Procedure

Delivery Mode: Reading Group

Days and Times:

Location

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

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 will include: touring local prisons or jails, meetings with lifetime parolees and formerly incarcerated individuals, and a wide variety of written texts including essays, case studies, and research.

Students numbered 1-5 on the waitlist who plan to enroll if the opportunity arises should attend the first class, as long as other course scheduling permits.

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

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Effects of Mass Incarceration: Experiences of Prison and Parole

Course #: 2624

Term: 2019SP

Faculty: Umunna, Dehlia

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: Prerequisite: None

Exam Type: No Exam

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 will include: touring local prisons or jails, meetings with lifetime parolees and formerly incarcerated individuals, and a wide variety of written texts including essays, case studies, and research.

Students numbered 1-5 on the waitlist who plan to enroll if the opportunity arises should attend the first class, as long as other course scheduling permits.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Future of Voting Rights

Course #: 2622 **Term:** 2018FA **Faculty:** Stephanopoulos, Nicholas **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This reading group will cover the past, present, and future of voting rights law. Topics will include alternative electoral systems, possible revisions to the Voting Rights Act, how to approach vote denial under the Act, and the impact of segregation and polarization on minority representation.

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

The International Law of the Sea

Course #: 2958 **Term:** 2018FA **Faculty:** Kraska, James **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 3:15 PM - 6:15 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This course explores the international law of the sea, which is one of the most important and compelling areas of public international law. The law of the sea focuses on the distribution of authority among flag states, coastal states, and port states, to regulate activities over 70 percent of the globe. This area of law is a prominent feature of international politics, evident in disputes in the South China Sea, East China Sea, Mediterranean Sea, the Black Sea, the Indian Ocean, and the Arctic Ocean. Topics also include rules governing international shipping, which carries more than 90 percent of all international trade; submarine cables, which carry 97% of all Internet communications; freedom of navigation and military operations; maritime boundary delimitation and offshore energy and mineral development; marine resource conservation and fisheries; deep seabed mining as the "common heritage of mankind"; marine scientific research and access and benefits of marine genetic resources and bioprospecting; marine environmental protection and approaches to climate change; human rights and refugee migration at sea; international criminal law and terrorism, drug trafficking, and piracy at sea, and dispute resolution procedures, which include binding arbitration, tribunals and the International Court of Justice. Sources of law include cases, norms, regimes, and agreements, including the United Nations Convention on the Law of the Sea.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The International Law Workshop

Course #: 2129 **Term:** 2018FA **Faculty:** Alford, William; Blum, Gabriella **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 3:00 PM - 5:00 PM

Course Description: Prerequisites: There are no prerequisites for this workshop, but it is generally intended for students with a strong academic bent.

Exam Type: No Exam

This workshop is intended to provide students with the opportunity to enmesh themselves in scholarly writing about international law by exploring challenges scholars in this field face and bringing to the workshop a range of scholars engaged in some of the most interesting new work in it. Generally, our invited speakers--some from law and some from other disciplines--will present work in progress. Our focus will be on the intellectual underpinnings of the fields rather than hands-on practice. Students in the class will be required to submit four brief "reflection" pieces commenting on the papers to be presented and will also be expected to question the presenter during the session. Some sessions will be reserved for meetings without outside speakers.

Note: Enrollment is limited to 35 students. All students wishing to take the class -- including those on the waitlist or considering adding it -- should be sure to attend the first session. Please direct any questions to Professor Alford or Professor Blum.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Israeli-Palestinian Conflict

Course #: 2625

Term: 2018FA

Faculty: Mnookin, Robert

Credits: 1.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; International, Comparative & Foreign Law; Legal & Political Theory

Delivery Mode: Reading Group

Days and Times:

Location

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This one unit reading group will explore the Israeli-Palestinian dispute with special emphasis on identifying the primary barriers to resolution.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Law of Cyber Attack

Course #: 2054

Term: 2019SP

Faculty: Sulmeyer, Michael

Credits: 2.00

Type: Elective

Subject Areas: Criminal Law & Procedure; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

Delivery Mode: Course

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Under what authorities can US government lawfully conduct cyber attacks against its adversaries? How and when can it take action at home and abroad to defend critical US systems? In this course, students will be introduced to the foundations of computer network operations. Then, we will examine the roles of different components of the intelligence community, the armed forces, law enforcement, and other parts of the US national security establishment. Throughout the course, practitioners from the government will offer their perspectives to supplement the readings and class discussion. The course will conclude with a simulation that challenges students to play the role of a government lawyer during a series of cyber-related crises.

During the course, students will develop the technical skills necessary to understand computer network operations. Students will not be expected to code, nor are they expected to have computer science training or background. While this course will be of primary interest to those who are considering a career as a lawyer in government service, it will also provoke questions for those with interests in executive power, administrative law, and even for those in private practice who want to be more savvy about data security practices. This technical knowledge students will learn about how computers function and how hackers hack will be helpful in many future jobs, as lawyers are increasingly asked to weigh in on a range of questions involving cybersecurity, like data protection and liability after a breach of sensitive data. Lawyers in these fields need not always be experts, but with credible cyber-technical instincts, they will find themselves better able to provide informed counsel to private and public clients alike.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Making of the U.S. Constitution

Course #: 2901

Term: 2018FA

Faculty: Klarman, Michael

Credits: 1.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Legal & Political Theory; Legal History

Delivery Mode: Reading Group

Days and Times:

Location

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: Those who have already taken Professor Klarman's Constitutional History I course are not eligible to sign up for this reading group (as they will have already read the book).

Exam Type: No Exam

There is no exam. Students will be asked to write one short (four-to-six pages) reaction paper and to do the reading and contribute to class discussion.

This upper-level reading group will read and discuss Professor Klarman's recently published book, "The Framers Coup: The Making of the United States Constitution." For each session we will read a chapter of the book. The six sessions will be on the following six topics: The flaws in the Articles of Confederation, the economic conflicts in the states in the mid-1780s that directly contributed to the making of the Constitution, the Philadelphia convention, slavery at the Philadelphia convention, ratification, and the Bill of Rights.

Some of the chapters will take only an hour or two to read, but a couple of them could take as long as four or five hours; please don't sign up for the course unless you are certain you want to do this much reading.

Note: This reading group will meet on the following dates: TBD

Drop Deadline: TBD

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Nuremberg Trial

Course #: 2117 **Term:** 2019WI **Faculty:** Whiting, Alex; Sands, Philippe **Credits:** 3.00

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

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: Prerequisite: None

Exam Type: No Exam

In this course, we will study the trial of Nazi leaders at the International Military Tribunal at Nuremberg to see how law is created, interpreted, represented, and itself has force and shapes our understanding of events over time and among different communities and through different disciplines and mediums. We will look at how the precedent of Nuremberg, which gave birth to the field of international criminal law, has been represented in law, history, literature, and film over the decades; how it has come to have different meanings at different times and in different places in the world; and how it was represented, and shaped events, in the 1990s when the international criminal law project was "re-born" with the creation of the ad-hoc international criminal tribunals. Nuremberg is a rich subject to study precisely because it represented the creation of law and it has come to mean different things to so many over the years. The course will thus be a study of law itself, how it operates in the world, and of the origins of international criminal law.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Pro-defendant Bias in the Adjudication of Mass Injury Cases

Course #: 2113

Term: 2019SP

Faculty: Rosenberg, David

Credits: 1.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Reading Group

Days and Times:

Location

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Privately financed civil liability actions presenting claims of mass injury serve law enforcement objectives of preventing and redressing such business and government illegalities as toxic torts, product defects, environmental pollution, consumer and securities fraud, corporate misgovernance, antitrust conspiracy, employment discrimination, civil rights deprivations, professional malpractice, and constitutional violations. In this reading group, we will examine the Supreme Court's invocation of the ideal that everyone should have his own day in court to justify radically restricting use of class action and other collectivized methods of adjudicating mass injury cases. Analysis of the principal rulings from the perspectives of theory and practice will expose how the Court's embrace of this individualistic, anti-collectivist ethos has structurally biased adjudication of mass injury cases in favor defendants. Focusing on key modes of collectivized adjudication - including trial and settlement of class and consolidated actions; sampling; risk-based liability; third party claim assignment and financing; and insurance-fund judgments - we will consider whether, contrary to the Court's supposition, individual justice can best be done by collective means. Though essential to practical as well as basic understanding of mass injury litigation, the insights as well as questions we shall consider receive superficial if any treatment in other courses.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Role of the State Attorney General

Course #: 2237 **Term:** 2018FA **Faculty:** Tierney, James; Brann, Peter **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement if they also enroll in the associated clinic.

Prerequisite: None

Exam Type: Any Day Take-Home, with paper option by permission.

The role of state attorneys general has dramatically expanded as these elected officials and their staff have become increasingly important actors in American jurisprudence. They 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 or opposed to 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. It 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.

Some seats are reserved for students in the fall, winter or spring Government Lawyer: Attorney General clinic. Students who enroll in the clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the fall, winter or spring Government Lawyer: State Attorney General clinic, they will also lose their reserved seat in this course. Please note that this course has early drop deadlines for students enrolled in reserved clinical seats - the drop deadline for fall clinical students is August 3, 2018; the drop deadline for winter clinical students and spring clinical students is August 28, 2018.

Students admitted into the clinic must complete a security clearance for Massachusetts 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. For additional information, please see the clinics description.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Supreme Court since 2005

Course #: 2722 **Term:** 2019WI **Faculty:** Kavanaugh, Brett **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:00 AM - 12:45 PM

Tue 10:00 AM - 12:45 PM

Wed 10:00 AM - 12:45 PM

Thu 10:00 AM - 12:45 PM

Fri 10:00 AM - 12:45 PM

Course Description: Prerequisite: None

Exam Type: No Exam

There will be a paper requirement of approximately 20 pages. The paper will not be due during the winter term, but instead in March. During the winter term, the students may also have to submit some very short "reaction emails" based on the readings.

In this course, we will analyze and discuss important Supreme Court opinions that have been issued since 2005 when John Roberts became Chief Justice. We will focus on leading decisions within several particular areas of the Courts post-2005 jurisprudence, including: war powers, campaign finance, religion, the health care law, equal protection/race, Second Amendment, Fourth Amendment, environmental law, marriage, federalism, separation of powers, and the death penalty. In so doing, we will also consider overarching jurisprudential principles such as methods of constitutional and statutory interpretation, the role of the courts in our constitutional structure, and stare decisis.

Note: The class will meet from January 7 through January 18 for about two hours and 40 minutes each day. We will not meet on January 22 and 23.

The class will be limited to 24 students.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Supreme Court's 2017 Term

Course #: 2515

Term: 2018FA

Faculty: Kagan, Elena

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Thu 4:00 PM - 7:00 PM

Tue 4:00 PM - 7:00 PM

Mon 4:00 PM - 7:00 PM

Wed 4:00 PM - 7:00 PM

Course Description: Prerequisite: Admission is by permission of the instructor. 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 20. Please forward all application materials to Kelsey Ryan at keryan@law.harvard.edu.

Exam Type: No Exam

This reading group will focus on a collection of decisions from the most recent Supreme Court term.

Note: The class will meet before the start of upper-level courses, beginning on Monday 8/27 through Thursday 8/30 from 4:00pm-7:00pm. 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Two-Way Mirror: Media Imaging in the 21st Century

Course #: 2612 **Term:** 2019SP **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: Prerequisite: None

Exam Type: No Exam

This 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 --commonly a dual process involving contestation between a groups projected image and one being projected upon them -- will be discussed through literature, journalism and visual media.

Note: This reading group will meet on the following dates: TBD

Drop Deadline: TBD

The Vietnam War and the International Law of Armed Conflict

Course #: 2143 **Term:** 2019SP **Faculty:** Modirzadeh, Naz **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Wed 5:00 PM - 7:00 PM

Course Description: Prerequisite: Public International Law or International Humanitarian Law/Laws of War

Exam Type: No Exam

This Reading Group will explore topics and readings related to the Vietnam War and International Law, focusing on both jus ad bellum and jus in bello debates.

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

The Warren Court

Course #: 2005

Term: 2018FA

Faculty: Klarman, Michael

Credits: 2.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Legal History

Delivery Mode: Seminar

Days and Times:

Location

Tue 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

There is no exam or long-paper requirement. Students are expected to attend class, do the readings, and participate in class discussion. In addition, you will be asked to write 2 short papers over the course of the semester responding to the readings. These should be in the range of 4-6 double-spaced pages. Final grades will be based half on these short papers and half on class participation.

This seminar will examine most of the leading constitutional rulings of the Warren Court. The readings will be considerable--you should expect somewhere between 6 and 8 hours of reading per week--as I am trying to give you a wide range of angles from which to approach each of the subject matter areas we will be discussing. Readings will include: cert. memos from law clerks, briefs, conference notes, memos between the justices, excerpted opinions, newspaper reaction, letters to the justices, and law review commentary. We will also be using Lucas Powes The Warren Court and American Politics to provide background and an overview. Please do not sign up for the course unless you are prepared to commit to doing this much reading.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Title IX: Sports, Sex and Equality on Campus

Course #: 2242 **Term:** 2018FA **Faculty:** Rosenfeld, Diane **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Title IX of the Civil Rights Act promises equal access to educational opportunities. This has been one of the most dynamic areas of civil rights activism in the recent past, and promises to remain so. Under the Obama Administration, protecting students from sex assault was a capstone priority. Such efforts may not remain a high priority in the new administration. Thus, we will consider the question of how essential the federal government's role is in enforcing Title IX's equity principles? What other levers are available to further the civil rights of students to a safe and equal educational environment? This course provides the opportunity to develop a robust discourse on critical issues of gender equality in schools, including issues of gender identity. Readings include cases, articles, and decisions by the Office of Civil Rights of the Department of Education.

Topics in Education Law and Policy

Course #: 2610 **Term:** 2019SP **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: Prerequisite: None

Exam Type: No Exam

Final paper required.

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. Laptops not permitted in class.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Trade, Development, and Entrepreneurship

Course #: 2943 **Term:** 2018FA **Faculty:** Kuhlmann, Katrin **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Thu 5:00 PM - 7:00 PM

Course Description: Prerequisite: None

Exam: No Exam

Legal and regulatory frameworks are increasingly viewed from an economic development perspective, both within international institutions and among entrepreneurs and policymakers. This reading group will examine different areas of international economic and trade law (WTO disciplines, regional trade agreements, national economic law and regulation), exploring the impact of development-focused legal and regulatory reform on individuals and entrepreneurs. The reading group will include background readings and short case studies that link legal frameworks and policy debates with actual challenges facing social entrepreneurs in developing markets.

Note: This reading group will meet on the following dates: TBD

Drop Deadline: TBD

Trademark and Unfair Competition

Course #: 2462 **Term:** 2019SP **Faculty:** Tushnet, Rebecca **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:15 PM - 2:45 PM

Fri 1:15 PM - 2:45 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

This course will introduce students to the federal Lanham Act and related common law doctrines designed to protect against consumer confusion and appropriation of commercial goodwill. In addition to the technical requirements for trademark eligibility, registration, and infringement, we will consider the constitutional and economic underpinnings of trademark protection and evaluate current trends toward the "propertization" of trademark law, First Amendment defenses, and the role of the right of publicity.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Transactional Law Clinical Workshop

Course #: 2247 **Term:** 2018FA **Faculty:** Price, Brian **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Transactional Law Clinics (4-5 fall clinical 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: August 28, 2018. 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) (please note that students interested in the CEP will need to submit an application instead of enrolling through Helios – please see the CEP course catalog description for more information about the application process). 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.harvardtcl.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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Transactional Law Clinical Workshop

Course #: 2247 **Term:** 2019SP **Faculty:** Price, Brian **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Transactional Law Clinics (4-5 spring clinical 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 11, 2019. 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) (please note that students interested in the CEP will need to submit an application instead of enrolling through Helios – please see the CEP course catalog description for more information about the application process). 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). 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Transactional Law Clinics

Course #: 8031 **Term:** 2018FA **Faculty:** Price, Brian **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Transactional Law Clinical Workshop (2 fall classroom 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: August 28, 2018. 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 – please see the CEP course catalog description for more information about the application process). 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Transactional Law Clinics

Course #: 8031 **Term:** 2019SP **Faculty:** Price, Brian **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Required Class Component: Transactional Law Clinical Workshop (2 spring classroom 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 11, 2019. 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 – please see the CEP course catalog description for more information about the application process). 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Trial Advocacy Workshop

Course #: 2249 **Term:** 2018FA **Faculty:** Sullivan, Ronald **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Prerequisites: For JD students there are no formal prerequisites, although familiarity with the rules of evidence is assumed throughout the course. For LLM students, permission of the instructor is required.

Exam Type: No Exam

Early drop deadline of Tuesday, August 28, 2018.

Please note: There will be a mandatory meeting on Wednesday, April 11, 2018, in Austin 100 at 12:00 p.m. for all students enrolled in the Fall 2018 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 Ronald S. Sullivan Jr.: rsullivan@law.harvard.edu and to Carol M. Flores: cflores@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 (HLS courses only). Students must be available for trials from 2:00 p.m. to 9:00 p.m. on 9/12, 9/13, 9/14, 9/19, 9/20, and 9/21. If you have concerns regarding the conflicts policy and your schedule, please contact Professor Ronald S. Sullivan Jr.: rsullivan@law.harvard.edu and Carol M. Flores: cflores@law.harvard.edu.

The Fall Trial Advocacy Workshop will take place beginning Tuesday, September 4, 2018 to Friday, September 21, 2018 (there is no class on Monday, September 3, 2018 due to the Labor Day holiday). 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:

1. 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.
2. Students will have opportunities, individually or in groups, for detailed review or critique of

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

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 judges and lawyers, and are required to attend an evening lecture-demonstration from 7:00 p.m. to 9:00 p.m. each evening.

4. 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)

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

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Trial Advocacy Workshop

Course #: 2249 **Term:** 2019WI **Faculty:** Sullivan, Ronald **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Prerequisite: For JD students there are no formal prerequisites, although familiarity with the rules of evidence is assumed throughout the course. For LLM students, permission of the instructor is required.

Exam Type: No Exam

Early drop deadline of August 31, 2018

Please note: There will be a mandatory meeting in November 2018 (date and time TBD) for all students enrolled in the Winter 2019 Trial Advocacy Workshop.

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 directed to Professor Ronald S. Sullivan Jr.: rsullivan@law.harvard.edu and Carol Flores: cflores@law.harvard.edu.

Course days and hours: Monday through Friday, 2:00 p.m. to 9:00 p.m. (Class will not be held on Monday, January 21, 2019, due to the Martin Luther King, Jr. Holiday).

The Winter Trial Advocacy Workshop will take place beginning Monday, January 7, 2019 to Friday, January 25, 2019. 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

3. 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.
4. A similar schedule is followed for the first two days of the second week of the workshop. 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.

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

Trusts and Estates

Course #: 2250 **Term:** 2019SP **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

Days and Times: **Location**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

Course Description: Prerequisite: None

Exam Type: In-Class

This course examines freedom of disposition in American succession law by way 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).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

U.S. Aspects of International Income Taxation

Course #: 2236

Term: 2019SP

Faculty: Shay, Stephen

Credits: 3.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law; Taxation

Delivery Mode: Course

Days and Times:

Location

Mon 1:15 PM - 2:45 PM

Tue 1:15 PM - 2:45 PM

Course Description: Prerequisite: This course is open only to students who have completed the basic course in Taxation or, if students have prior tax experience, with permission of the instructor.

Exam Type: In Class

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, relief from double taxation of income subject to taxing jurisdiction of two countries, U.S. taxation of foreign income earned by foreign entities owned by U.S. persons, transfer pricing in transactions between related parties, and income tax treaties. Limited reference will be made to how other countries address these international tax issues.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Valuing and Modeling M&A and LBOs

Course #: 2678 **Term:** 2019SP **Faculty:** Bosiljevac, Vladimir **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

Course Description: Prerequisites: The admission is by permission only and interested students should send a resume and a cover letter to the instructor at vbosiljevac@law.harvard.edu.
Exam Type: No Exam
The goal of this class is to provide students with the investment banking toolkit for assessing and modeling M&A and leveraged buyout (LBO) transactions that is used in Wall Street investment banks. Students will learn how to model and evaluate mergers and LBOs in Excel as investment bankers do (background topics such as accounting will be covered). They will learn about the strategic reasons and tactics for mergers and acquisitions, LBOs, corporate divestiture, restructurings, and hostile takeovers from investment bankers' perspective. 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 real-world problems. 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.
This course is intended for students who want to embark on a career in finance or who will practice corporate law (mergers and acquisitions, capital markets, corporate transactions and other related fields).

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Venture Law and Finance

Course #: 2252

Term: 2019WI

Faculty: Fried, Jesse

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

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: Prerequisite: This course is open to students who have taken Corporations, or by permission of the instructor to waive the prerequisite. Students should be willing to think mathematically and solve algebraic problems.

Exam Type: In Class

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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Veterans Law and Disability Benefits Clinic

Course #: 8039 **Term:** 2018FA **Faculty:** Nagin, Daniel **Credits:** 5.00

Type: Clinic **Subject Areas:** Family, Gender & Children's Law; Government Structure & Function; Health Law; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Veterans Law and Disability Benefits Clinical Seminar (2 fall classroom 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: August 28, 2018. LLM Students: LLM students may apply to this clinic by submitting an application. 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 three projects within the Clinic: (1) The Veterans Justice Project: representing veterans in administrative and state and federal court appeals to challenge wrongful denials of veterans benefits and to ; (2) Estate Planning Project: representing veterans and their families in estate and financial planning matters such as wills, trusts, advanced directives, guardianships, and conservatorships; or (3) Safety Net Project: representing clients in administrative and court appeals to challenge wrongful denials of Social Security disability benefits. The Clinics 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. Students also have opportunities to engage in systemic reform initiatives--through litigation and/or policy work--to improve the lives of veterans with disabilities. 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Veterans Law and Disability Benefits Clinic

Course #: 8039 **Term:** 2019SP **Faculty:** Nagin, Daniel **Credits:** 5.00

Type: Clinic **Subject Areas:** Family, Gender & Children's Law; Government Structure & Function; Health Law; Procedure & Practice

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this clinic may count the credits towards the JD experiential learning requirement. Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Veterans Law and Disability Benefits Clinical Seminar (2 spring classroom 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 11, 2019.

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

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 three projects within the Clinic: (1) The Veterans Justice Project: representing veterans in administrative and state and federal court appeals to challenge wrongful denials of veterans benefits and to ; (2) Estate Planning Project: representing veterans and their families in estate and financial planning matters such as wills, trusts, advanced directives, guardianships, and conservatorships; or (3) Safety Net Project: representing clients in administrative and court appeals to challenge wrongful denials of Social Security disability benefits. The Clinics 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. Students also have opportunities to engage in systemic reform initiatives--through litigation and/or policy work--to improve the lives of veterans with disabilities. 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.

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Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Veterans Law and Disability Benefits Clinical Seminar

Course #: 2520 **Term:** 2019SP **Faculty:** Nagin, Daniel **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Veterans Law and Disability Benefits Clinic (3-5 spring clinical 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 11, 2019.

LLM Students: LLM students may apply to the clinic 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. Students also have opportunities to engage in systemic reform initiatives--through litigation and/or policy work--to improve the lives of veterans with disabilities. 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 Clinics 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

Veterans Law and Disability Benefits Clinical Seminar

Course #: 2520 **Term:** 2018FA **Faculty:** Nagin, Daniel **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 5:00 PM - 7:00 PM

Course Description: Students who enroll in this course may count the credits towards the JD experiential learning requirement. Required Clinic Component: Veterans Law and Disability Benefits Clinic (3-5 fall clinical 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: August 28, 2018.
LLM Students: LLM students may apply to the clinic 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. Students also have opportunities to engage in systemic reform initiatives--through litigation and/or policy work--to improve the lives of veterans with disabilities. 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 Clinics 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.

Harvard Law School Course Catalog

2018-2019 Academic Year

March 19, 2018 1:27 PM

White Collar Criminal Law and Procedure

Course #: 2254

Term: 2019SP

Faculty: Apps, Antonia; Savarese, John

Credits: 2.00

Type: Elective

Subject Areas: Criminal Law & Procedure

Delivery Mode: Course

Days and Times:

Location

Thu 3:00 PM - 5:00 PM

Course Description: Prerequisite: None

Exam Type: Last Class Take-Home

The past several years have seen a number of significant developments in white collar criminal prosecutions. Over the last decade, the government has demanded massive financial settlements in white collar prosecutions, including several in which federal prosecutors have sought indictments of corporate entities and demanded guilty pleas as part of the resolution. Recent pronouncements by the Department of Justice suggesting a softening of this approach for companies that self-disclose and cooperate. Prosecutors have also indicated their intention going forward to increase their focus on individual prosecutions, leveraging internal investigations conducted by corporations and insisting that corporations must provide evidence of individual wrongdoing in order to get cooperation credit. There have also been significant developments in numerous areas of white collar law, including insider trading, public corruption, and the Foreign Corrupt Practices Act, 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; (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; (6) recent developments in insider trading, the FCPA, and public corruption, among other areas; and (7) the impact on US prosecutions of foreign regulators investigating cross-border conduct. The course will also address various law enforcement investigative techniques commonly used by prosecutors and issues pertaining to sentencing in white collar cases.
