

Harvard Law School Course Catalog

2021-2022 Academic Year

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Administrative Law

Course #: 2000 **Term:** 2022SP **Faculty:** Vermeule, Adrian **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:45 PM

Thu 1:45 PM - 3:45 PM

Course Description: 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.

Administrative Law

Course #: 2000 **Term:** 2021FA **Faculty:** Freeman, Jody **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

Course Description: Prerequisites: None

Exam: One-Day Take-home

This course will study the law governing federal administrative agencies, and related matters of policy and theory. Using the material covered in the first-year "Legislation and Regulation" course as a foundation, this class will cover a variety of more advanced topics, including the structure and function of administrative agencies; the role of agencies in interpreting statutes and regulations; the legal framework governing administrative adjudication as opposed to regulation; the president's power to supervise the executive branch; congressional delegation and principal-agent problems; the theory and practice of statutory interpretation; and the appropriate role of private actors in the administrative process. The central theme of the course will be on the need to manage the tension between flexibility and constraint in the administrative state.

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Advanced Clinical Practice

Course #: 2001 **Term:** 2021FS **Faculty:** Caramello, Esme **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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: N/A.
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.

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Advanced Corporate Transactions

Course #: 2833 **Term:** 2022SP **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 4:30 PM - 6:30 PM

Course Description: Prerequisites: Registration for the course has two prerequisites: (1) Students must have taken Corporations or be taking it concurrently with ACT. (2) In addition, a working knowledge of basic corporate financial accounting knowledge (ability to read basic financial statements) 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

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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 Issues in Administrative Law and Theory

Course #: 2676 **Term:** 2022SP **Faculty:** Vermeule, Adrian **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Prerequisite: By Permission

Exam: No Exam

We will address the place of the administrative state in the constitutional order, the design and operation of its institutions, and its relationship to law and the rule of law. Readings will include classic and contemporary academic theory in law and adjacent disciplines, caselaw, and other materials.

Advanced Legal Research

Course #: 2173 **Term:** 2022SP **Faculty:** Kennedy, Jocelyn **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 4:00 PM - 6:00 PM

Course Description: Prerequisites: For JD students, completion of First Year Legal Research and Writing. For LLM students, completion of LRWA I is required and an enrollment in LRWA II is strongly suggested.

Exam Type: No Exam

Modern legal practice requires a nuanced understanding of research and technology. Effective legal professionals must be able to develop research strategy, access, evaluate, interpret and incorporate information into their advocacy work.

This course teaches students to be effective advocates by providing a strong grounding in research skills and information theory. This course will mix lecture with practice and students will gain hands-on experience conducting both basic and complex research using a variety of research tools.

Students will be assessed using a variety of methods including: in-class labs, out-of class exercises, presentations, and a final research simulation.

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Advanced Legislation: Statutory Interpretation

Course #: 2231 **Term:** 2021FA **Faculty:** Rabb, Intisar **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 4:30 PM - 6:30 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: No Exam
With the presence and passing of Justice Scalia from the U.S. Supreme Court, and the appointment of three Justices thereafter, 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 textualism, ordinary meaning, and purposive or dynamic interpretation; about the use of legislative history and the increasingly popular 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 we traverse will cover criminal law and anti-discrimination law.
This course entails components of short essays, opinion-writing, and mock arguments. It is particularly well suited for those interested in legal academia, clerkships, and written feedback on writing. There is no exam for this course. It includes a option for students to write a paper that will fulfill the Option 1 writing requirement.

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Advanced Negotiation: Multiparty Negotiation, Group Decision Making, and Teams

Course #: 2348 **Term:** 2021FA **Faculty:** Viscomi, Rachel; Budish, Sara **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:45 PM

Tue 10:45 AM - 12:45 PM

Course Description: Prerequisites: Negotiation Workshop

Exam Type: No Exam

All lawyers work in environments that present opportunities to work with multiple parties - whether across the table, behind the table, or as colleagues on a team or in a group.

This workshop will explore the special challenges and complexities of multiparty negotiation, group decision-making, and working collaboratively in teams. Using simulations, large- and small-group discussions, exercises, lectures, video recording, reflective journals, and extensive work in small teams, the workshop is designed to help students engage with frameworks, tools, and perspectives that will allow them to become more intentional and effective lawyers in multiparty settings in the future.

Topics addressed will include: process design and management in a multiparty context, coalition dynamics and strategy, preparation methods, decision rules for groups, the role of emotions and identity, managing constituencies, and facilitation, among others.

For purposes of arranging multiparty class simulations, all class sessions are mandatory.

Advanced Topics in Evidence

Course #: 2838 **Term:** 2021FA **Faculty:** Nesson, Charles **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam

We consider legal truth from jury view: proof by live witness, proof by expert, and the relationship of truth to evidence, time and viewpoint.

Expect periodic short assignments in writing, peer appreciation and critique. We will discourse in both true-name zoom-space and pseudonymous threads-space. Students will write a final paper (1500 words) due at the end of the exam period.

This is NOT a course on the Federal Rules of Evidence.

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Advanced Topics in Jewish Law and Legal Theory

Course #: 2437 **Term:** 2022SP **Faculty:** Feldman, Noah **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Thu 6:30 PM - 8:30 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.

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

Advanced Topics in Jewish Law: The Law of Literature

Course #: 2437 **Term:** 2021FA **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

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Advanced Topics in Labor and Employment Law

Course #: 3102 **Term:** 2022SP **Faculty:** Sachs, Benjamin **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: In this seminar we will explore emerging trends and longstanding questions in the fields of labor and employment law. Topics may include the employment classification of gig workers, state and local attempts to develop innovative structures for worker organizing, federal labor law reform proposals, alternative forms of worker representation, current issues and problems in employment discrimination law, the intersection of constitutional law (including First Amendment and Takings Clause jurisprudence) and labor law. Class will be structured around discussion of assigned materials. Students will write a seminar paper on an approved topic of their choice. No prerequisite.

Advertising Law

Course #: 2753 **Term:** 2022SP **Faculty:** Tushnet, Rebecca **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:15 PM

Tue 1:45 PM - 3:15 PM

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.

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American Legal History 1776-1865

Course #: 2163

Term: 2021FA

Faculty: Gordon-Reed, Annette

Credits: 3.00

Type: Elective

Subject Areas: Legal History

Delivery Mode: Course

Days and Times:

Location

Tue 10:45 AM - 12:15 PM

Mon 10:45 AM - 12:15 PM

Course Description: Prerequisites: None

Exam Type: One-Day Take-Home

This course is designed to consider the development of American law from the time of the founding of the United States to the beginning of the period of Reconstruction. It will not be a march through the evolution of legal doctrines, though we will discuss the development of various doctrines. Law, for our purposes, is broadly defined to include, among other things, the structure of the government that was created after the Revolution, statutory and common law, and customs. We will proceed in rough chronology, deviating when it makes sense to do so.

In history, context is all. To understand the development of any country's legal system, one must know something of the people (powerful and not), the society, and culture in which that system came into being. This is necessarily, then, a course in American history. If context is critical to historical study, recognizing the role of contingency must also guide our consideration. Things did not always have to happen the way they happened. With that in mind, we can say that the creation of the United States turns out to have been a pivotal moment in the history of the world. We are going to consider the choices made when creating the American Republic as a nation of laws from the 1770s to the 1860s. Many of those choices helped to shape American identities, and resonate to this day. It will be fun, and instructive, to consider how it all unfolded.

Note: This course is jointly-listed with FAS as History 1405.

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American Legal History: From Reconstruction to the Present

Course #: 2519

Term: 2022SP

Faculty: Weinrib, Laura

Credits: 3.00

Type: Elective

Subject Areas: Legal History

Delivery Mode: Course

Days and Times:

Location

Mon 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

Course Description: Prerequisites: 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 not meet twice every week; the exact schedule will be announced before the semester begins.

American Legal History: Law, Economy, and Society in the Era of the American Revolution

Course #: 3043

Term: 2022SP

Faculty: Mann, Bruce

Credits: 2.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Legal History

Delivery Mode: Seminar

Days and Times:

Location

Mon 7:15 PM - 9:15 PM

Course Description: Prerequisites: 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.

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Analytical Methods for Lawyers

Course #: 2006 **Term:** 2021FA **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 8:00 AM - 9:30 AM

Tue 8:00 AM - 9:30 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 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

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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: 2022SP

Faculty: Stilt, Kristen

Credits: 2.00

Type: Elective

Subject Areas: Environmental Law; International, Comparative & Foreign Law; Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Wed 4:30 PM - 6:30 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”?

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Animal Law & Policy Clinic

Course #: 8052 **Term:** 2021FA **Faculty:** Meyer, Katherine **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 offering 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: Animal Law and Policy 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: Yes. Applications are due by June 25, 2021.

Add/Drop Deadline: August 13, 2021.

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

Placement Site: HLS.

The Animal Law & Policy Clinic will provide students with direct hands-on experience in animal advocacy on behalf of both captive animals and wildlife, including litigation, legislation, administrative practice, and policymaking.

Application Process: Admission to the Animal Law & Policy Clinic is by permission of the instructor.

Interested students should submit an application to Professor Katherine Meyer

(kmeyer@law.harvard.edu) by June 25, 2021. The application should include the following documents, combined into a single PDF: a resume, a writing sample that has not been substantially edited by anyone other than the student, and a statement of interest (no more than 1 page) that includes: (i) which semester the student is applying for; (ii) the student's reasons for applying to the Clinic, including the particular animal law issues of interest; and (iii) whether the student would be interested in continuing the Clinic during the Spring semester.

Applicants should indicate in their application whether they have taken any of the following courses:

Animal Law

Wildlife Law

Farmed Animal Law and Policy

Environmental Law

Food Law & Policy

Administrative Law

Constitutional Law

Federal Civil Procedure

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Animal Law & Policy Clinic

Course #: 8052 **Term:** 2022SP **Faculty:** Meyer, Katherine **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 offering 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: Animal Law and Policy 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: Yes. Applications are due by October 22, 2021.

Add/Drop Deadline: December 3, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

Placement Site: HLS.

The Animal Law & Policy Clinic will provide students with direct hands-on experience in animal advocacy on behalf of both captive animals and wildlife, including litigation, legislation, administrative practice, and policymaking.

Application Process: Admission to the Animal Law & Policy Clinic is by permission of the instructor. Interested students should submit an application to Professor Katherine Meyer (kmeyer@law.harvard.edu) by June 25, 2021. The application should include the following documents, combined into a single PDF: a resume, a writing sample that has not been substantially edited by anyone other than the student, and a statement of interest (no more than 1 page) that includes: (i) which semester the student is applying for, and (ii) the student's reasons for applying to the Clinic, including the particular animal law issues of interest.

Applicants should indicate in their application whether they have taken any of the following courses:

Animal Law

Wildlife Law

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Environmental Law

Food Law & Policy

Administrative Law

Constitutional Law

Federal Civil Procedure

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Animal Law & Policy Clinical Seminar

Course #: 3004 **Term:** 2021FA **Faculty:** Meyer, Katherine **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component: Animal 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: Yes. Applications are due by June 25, 2021.

Add/Drop Deadline: August 13, 2021.

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

This two-credit seminar is the required classroom component for students enrolled in the Animal Law and Policy Clinic and will be available only to those students. The seminar will introduce students to the overarching issues that non-human animal law advocates face in their work, including Article III standing, Administrative Procedure Act review, rulemaking petitions, open-government laws, and basic litigation, legislative, administrative, and organizing strategies. The seminar will also teach students how to pursue advocacy under several substantive areas of the law, including (but not limited to) the Endangered Species Act, the National Environmental Policy Act, the Animal Welfare Act, the Humane Slaughter Act, the Marine Mammal Protection Act, the Wild Horse and Burros Act, and state animal cruelty codes.

Note: This seminar will meet in the ALPC offices at 1607 Mass Ave.

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Animal Law & Policy Clinical Seminar

Course #: 3004 **Term:** 2022SP **Faculty:** Meyer, Katherine **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component: Animal 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: Yes. Applications are due by October 22, 2021.

Add/Drop Deadline: December 3, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

This two-credit seminar is the required classroom component for students enrolled in the Animal Law and Policy Clinic and will be available only to those students. The seminar will introduce students to the overarching issues that non-human animal law advocates face in their work, including Article III standing, Administrative Procedure Act review, rulemaking petitions, open-government laws, and basic litigation, legislative, administrative, and organizing strategies. The seminar will also teach students how to pursue advocacy under several substantive areas of the law, including (but not limited to) the Endangered Species Act, the National Environmental Policy Act, the Animal Welfare Act, the Humane Slaughter Act, the Marine Mammal Protection Act, the Wild Horse and Burros Act, and state animal cruelty codes.

Note: This seminar will meet in the ALPC offices at 1607 Mass Ave.

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Antitrust Law & Economics - Global

Course #: 2099 **Term:** 2022SP **Faculty:** Elhauge, Einer **Credits:** 5.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:25 PM

Thu 1:45 PM - 3:25 PM

Fri 1:45 PM - 3:25 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.
Prerequisites: None

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.

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.

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Applying Adaptive Leadership to Thrive and Lead Change in Uncertain Times

Course #: 3083

Term: 2022SP

Faculty: Westfahl, Scott

Credits: 1.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Procedure & Practice

Delivery Mode: Reading Group

Days and Times:

Location

Mon 7:15 PM - 9:15 PM

Course Description: Reading Group Proposal: Applying Adaptive Leadership Principles to Thrive and Lead Change in Uncertain Times

This reading group will explore how the adaptive leadership model developed by Harvard's Kennedy School of Government can be applied to help lawyers thrive and lead change in uncertain times. We will first explore the origins of the adaptive leadership model and use interactive exercises to understand the difference between technical and adaptive problems, particularly in the context of legal organizations. In successive modules, we will then use discussion-based lectures and interactive exercises to help students understand:

- The complexity of adapting and evolving in turbulent times at both the personal and organizational level;
- How to lead and hold people through change;
- How to thrive in uncertainty by increasing your tolerance for risk and ambiguity and gaining perspective about the dynamics of social disequilibrium;
- How individuals, teams and organizations can achieve goals that have proven impervious to the best laid plans and intentions, by identifying and challenging operating assumptions, core values and motivations;
- How to have courageous conversations to address the competing interests and conflicts that an adaptive challenge presents, in order to engage stakeholders and lead change more effectively; and
- How to stay anchored, patient, engaged and creative in an adaptive, stress-filled situation, as you are doing the hard work of adaptive leadership.

The course will be co-taught by Farayi Chipungu, former lawyer and current McKinsey Strategy Consultant and HKS Adjunct Lecturer, and Scott Westfahl, Professor of Practice and Director of HLS Executive Education.

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Art of Social Change

Course #: 2011

Term: 2022SP

Faculty: Gregory, Michael; Hazen, Crisanne

Credits: 2.00

Type: Elective

Subject Areas: Family, Gender & Children's Law

Delivery Mode: Course

Days and Times:

Location

Mon 1:45 PM - 3:45 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This course explores various strategies for systemic law and policy reform, focusing on education, child welfare (abuse and neglect, foster care, adoption), and juvenile delinquency/law enforcement. 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 examine significant reform initiatives and debate with the speakers and each other how best to advance children's interests. The emphasis is on weighing different approaches to social change, inside and outside of the courtroom, with the goal of informing students' future advocacy efforts. Through readings, speakers, and in other ways, we will endeavor as much as possible to bring the voices of young people themselves into our conversations.

Course requirements consist of reaction papers related to the readings and class presentations.

This course is part of the Child Advocacy Program (CAP), and you can visit the program's website (cap.law.harvard.edu) to see a schedule of the speakers and topics from previous semesters. Students are also encouraged to enroll in CAP's Child Advocacy Clinic and to consider enrolling in other courses related to children's law, a list of which you can find on the website.

Cross-registrants are welcome.

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Bankruptcy

Course #: 2013 **Term:** 2021FA **Faculty:** Roe, Mark **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:05 PM

Thu 1:45 PM - 3:05 PM

Fri 1:45 PM - 3:05 PM

Course Description: Co-requisite: Students without prior basic 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. I.e., corporate lawyers often negotiate loans for their business clients; regulators, creditors, and employees of shaky companies want to know what will happen if the company goes bankrupt. 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.

Be Careful What You Wish For

Course #: 3090 **Term:** 2021FA **Faculty:** Greiner, D. James **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 4:30 PM - 6:30 PM

Course Description: Prerequisites: Students who have completed either of the following Spring 2021 reading groups, Evaluating Criminal Justice Reform or Legal Policies, Randomized Control Trials, and Ethics, are not eligible to enroll in this offering due to overlap.

Exam Type: No Exam

Many interventions in law and in public policy sound great at first, but subsequent empirical investigation demonstrates that they are either ineffective or counterproductive. This reading group will review several such interventions and consider their implications.

Note: This reading group will be held on the following dates: TBD

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Becoming a Law Professor

Course #: 2416

Term: 2022SP

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 10:45 AM - 11:45 AM

Course Description: Prerequisite: Admission is by application via email to Susannah Barton Tobin at stobin@law.harvard.edu by October 31, 2021. 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 meets weekly.

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Business and Human Rights Clinical Seminar

Course #: 2014 **Term:** 2021FA **Faculty:** Giannini, Tyler **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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 Human Rights Advocacy (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 13, 2021. LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

This seminar will explore the growing field of business and human rights by examining live issues and pressing problems surrounding efforts to advance corporate responsibility and accountability. In recent years, a robust debate has emerged around the challenge of extending human rights norms to corporate actors. Historically, the legal and activist human rights communities have focused on state actors, but as the reach and influence of private actors and companies has grown, their impact on human rights has become impossible to ignore. Today, the human rights movement has squarely engaged the private sector, marking a critical shift and raising a host of issues for practitioners.

The field of business and human rights now touches on a dizzying array of policy and legal areas, including company due diligence standards, judicial and non-judicial grievance mechanisms, relations between businesses and communities, extraterritorial application of domestic laws, supply chain systems, and whether there should be an international human rights treaty to regulate the conduct of corporations. The field now also includes a growing body of domestic and international standards and mechanisms, which are helping to define these policy and legal arenas as well as the precise scope of corporate human rights obligations.

The various frameworks and mechanisms have in turn led practitioners and policymakers to develop and utilize a wide range of tools in their attempts to change corporate behavior. Some have used accountability litigation, which has seen setbacks in some jurisdictions and advances in others. Others have focused energy on developing government policies and legislation, which has included demands for greater transparency and reporting on human rights. Many have spent time assisting communities, including supporting efforts to elevate community-based processes and community-centered mechanisms so that they are consistently part of the rights landscape and decision-making. Still others have been part of an emerging industry of legal and management consultants that have sought to create policies and operationalize human rights principles within companies.

The seminar will engage with these varied approaches seeking to change corporate practices. The seminar will consider current and live problems, such as what should be the content of an international treaty; or what are alternatives to the current international frameworks; or what should be in a company's community engagement policy; or how should practitioners approach corporate accountability litigation in the future. The class will also give students an opportunity to choose at least one problem that they would like to focus on, which might include how to implement due diligence standards or what is the role of tech companies in regulating online speech and social media. Throughout the seminar, students will work collaboratively in teams to explore such problems in particular contexts, while also reflecting on the implications of the issues for the field of business and human rights more generally.

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Business Strategy for Lawyers

Course #: 2015 **Term:** 2022SP **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**

Tue 8:00 AM - 9:30 AM

Mon 8:00 AM - 9:30 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.

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.

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Business Valuation and Analysis

Course #: 2090

Term: 2022SP

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 10:45 AM - 12:15 PM

Fri 10:45 AM - 12:15 PM

Course Description: Prerequisite: HLS courses "Introduction to Accounting," "Introduction to Accounting 3-Week Section," or an equivalent prior accounting course at a university covering an introduction to financial accounting for at least 1 unit or credit. If you are claiming a prior accounting course other than a HLS accounting course 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. Note: To satisfy the accounting prerequisite for this course, you may also take the spring semester HLS course "Introduction to Accounting 3-Week Section" concurrently with this course.

Exam Type: No Exam

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

The course will be relevant for students in the Law and Business program of study, and to others who wish to prepare for careers in capital markets, corporate transactions, commercial litigation, mergers and acquisitions, and other related areas.

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Capital Punishment Clinic

Course #: 8005

Term: 2022WS

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 offering 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 (4 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: August 27, 2021.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

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).

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Capital Punishment in America

Course #: 2020

Term: 2021FA

Faculty: Steiker, Carol

Credits: 4.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

Course Description: Prerequisites: For JD students, Criminal Law is required. For LLM students, permission of the instructor is required to waive the requisite.

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 nearly five 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 Capital Punishment Clinic. Students who enroll in the Capital Punishment clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the Capital Punishment clinic, they will also lose their reserved seat in this course. Please see the clinics description for more information. There is an early drop deadline of August 27, 2021 for students enrolled in this course through the Capital Punishment clinic.

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Central Issues in Legal and Social Thought

Course #: 2256 **Term:** 2022SP **Faculty:** Unger, Roberto Mangabeira **Credits:** 2.00

Type: Elective **Subject Areas:** Legal & Political Theory

Delivery Mode: Seminar

Days and Times: **Location**

Wed 1:45 PM - 3:45 PM

Course Description: Prerequisites: None

Exam Type: No Exam; Paper in lieu of examination

This seminar addresses central themes of legal and social theory. It takes as its focus the relation of law and legal thought to the formative institutional arrangements and ideological assumptions of society: its structure. The seminar can serve as an introduction to jurisprudence. However, it is not a survey of contemporary schools of jurisprudence; it seeks to offer a sustained exploration of a fundamental question.

No issue is more important to either legal or social theory. Law has been defined as the institutional form of the life of a people: its subject matter are the institutions and practices of society, viewed in relation to the interests and ideals that are supposed to justify them and to give them meaning. This subject matter is also the concern of politics, which upholds or transforms social assumptions and arrangements.

Today, however, we lack a way of thinking about the institutional and ideological structure of society, expressed in law: what it is, how it is made, how we can change it, and what it should become. Legal thought has been part of this evasion of structural insight and ambition.

In this seminar, we will deal with this concern in many of its expressions. Each participant in the seminar will work with the instructor to develop a writing project, and each will discuss that project with the class during the semester.

Among the problems that we may discuss are the following:

The nature, consequence, limits and alternative futures of the now standard practice of legal analysis, which represents law in the language of impersonal policy and principle.

The relation of this analytic and argumentative practice to the shape of political-economic debate in the United States and other contemporary societies. What a jurisprudence useful to the overcoming of neoliberalism and of institutionally conservative social democracy would look like.

The uses of a revised practice of legal analysis in the development of institutional and ideological alternatives for these societies. Legal thought as institutional imagination, and its relation to legal thought as an instrument for adjudicating disputes about rights and their violation.

The existing and possible ways in which lawyers, jurists, courts, the legislative and executive branches, and the citizenry can relate to one another, and create such alternatives.

What legal history and comparative law can teach us about the evasion of structural insight and the

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achievement of structural change.

The relation of this agenda in jurisprudence to major developments and possibilities in economic, political, and social theory.

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Challenges of a General Counsel: Lawyers as Leaders

Course #: 2475 **Term:** 2021FA **Faculty:** Wilkins, David; Heineman, Benjamin **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 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam

Students will 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.

As the seminar description indicates, in this seminar we will use a series of in-depth case studies to examine the challenges facing General Counsels (GCs) in the private, government, and non-profit sectors. To explore these issues, we will have a number of prominent GCs as guest lecturers, including the GC of American Express (along with Ben Heineman, former GC of GE) in the private sector, the former GCs (although sometimes having different titles) of the Defense Department, State Department, Justice Department, and White House in the public sector, and the GCs of Harvard, the Mellon Foundation, and Partners in Health from the non-profit world. In order to ensure a lively and informative discussion with these senior leaders, we are looking to put together a class of students who collectively have interest and experience in all of these sectors.

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.

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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.

Character and Self in the Modernist Novel

Course #: 3112 **Term:** 2021FA **Faculty:** Tarullo, Daniel **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Thu 6:30 PM - 8:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam

In self-consciously reacting against the 19th century Realist novel, the Modernist authors of the the 1920s and 1930s experimented with the form of the novel. In so doing, they introduced new concepts of time and narrative. But, in parallel with the revolutions taking place in biology and psychology, they also changed the concept of character. In the process, they called into question the inherited views of the stable self that had been more or less uncritically accepted beforehand. The repercussions of that reconceptualization are still felt today across most of the social sciences and humanities. We will read novels by six writers who contributed in important ways to this change: The first four will be Elizabeth Bowen, William Faulkner, Ford Madox Ford, and Jean Toomer. We will together select the last two novels during the second meeting of the reading group. Each student will be asked to give some introductory comments at one session to help begin the discussion of the novel assigned for that day.

Note: This group will meet for six Thursday evening sessions, dates TBD

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Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice

Course #: 8001 **Term:** 2022WS **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 offering 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: Early drop of October 31, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
Multi-Semester: This is a winter-spring clinic (2 winter clinical credits + 4-5 spring clinical credits).
Placement Site: Various externship placements. Visit the CAP website to see a list of recent placement sites.
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 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

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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; 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). Please see the CAP website for information about other realted courses.

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Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice

Course #: 8001 **Term:** 2022SP **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 offering 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: Early drop of November 29, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
Placement Site: Various externship placements. Visit the CAP website to see a list of recent placement sites.
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: Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice 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 12 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 special education cases; 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

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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 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. Please note that the matching process takes place during the fall semester; enrolled students will need to be available to communicate with CAP and their host organization about various details. Visit the CAP Clinic webpage for more about the Clinic, including answers to frequently asked questions and a list of recent placement sites.

This course is part of the Child Advocacy Program (CAP). Please see the CAP website for information about other related courses.

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Child Advocacy Clinic: System-Involved Youth

Course #: 8001 **Term:** 2021FA **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 offering 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: Early drop deadline of August 1, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
Placement Site: Various externship placements. Visit the CAP website to see a list of recent placement sites.
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, LGBTQ youth, and the rights of youth in the juvenile justice system. This course is open only to students who have not taken Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice (held in the winter-spring or spring-only semesters).
Enrollment Options: 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. Enrollment in this course is capped at 12 students.
Fieldwork Component: Students are placed in a wide array of fieldwork settings, ranging from organizations providing individual advocacy, to those promoting systemic change through impact litigation and legislative reform, to 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 more information about

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

Course #: 2021 **Term:** 2022SP **Faculty:** Hazen, Crisanne **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 4:30 PM - 6:30 PM

Course Description: Students who enroll in this offering 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: October 31, 2021, for winter-spring clinical students, and November 29, 2021, for spring clinical students.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

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 seminar, students bring into the classroom their varied fieldwork 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 with unmet education needs and/or those children involved in the child welfare and juvenile justice systems. Students reflect on each others 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 written assignments.

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). Please see the CAP website for information about other related courses.

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Child Advocacy: System-Involved Youth Clinical Seminar

Course #: 2275 **Term:** 2021FA **Faculty:** Hazen, Crisanne **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning 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: Early drop of August 1, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
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, LGBTQ youth, and the rights of youth in the juvenile justice system. This course is open only to students who have not taken Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice (held in the winter-spring or spring-only semesters). All clinic students participate in both the classroom seminar and a clinical fieldwork component during the fall semester.
During the seminar, students bring into the classroom their varied fieldwork 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 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.
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 information about the Clinic, including answers to frequently asked questions.
This course is part of the Child Advocacy Program (CAP). Please see the CAP website for information about other related courses.

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Children and the Law

Course #: 2460 **Term:** 2021FA **Faculty:** Dailey, Anne **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:15 PM

Fri 1:45 PM - 3:15 PM

Course Description: Prerequisites: None

Exam Type: In Class

This class will examine the laws governing children in the family, school, the child welfare system, the juvenile justice system, and political life. We will explore the extent to which the law should recognize children as a distinct legal category, in other words, as legal subjects having unique vulnerabilities, relationships, developmental needs, capacities and interests. Some important questions we will address are: How do we go about identifying children's interests and weighing them against the competing interests of parents and the state? How does one measure children's autonomy or maturity, and what role should it play in the laws regulating children? To what extent do current laws governing children perpetuate racial, ethnic, gender and economic inequalities? What are children's rights, and can they expand to include affirmative rights to basic necessities such as food, housing and healthcare? Specific topics include parental rights; gender identity and transitioning; sexuality and statutory rape laws; reproduction and abortion; medical decision making; corporal punishment; free speech in school; school discipline; homeschooling; abuse and neglect; removal and foster care; juvenile delinquency; criminal procedural rights and sentencing; the Indian Child Welfare Act; children's political rights; and the legal representation of children.

City Use of Technology

Course #: 2813 **Term:** 2021FA **Faculty:** Crawford, Susan **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:15 PM

Tue 10:45 AM - 12:15 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This three-credit course surveys the efforts of city officials around the world as they use technology to solve challenging problems and act to both keep pace with technological innovations and safeguard the public interest. This survey course is designed to equip students with an overview of tools they will need to grapple with urban and civic challenges post-graduation. Students will examine and report on ongoing civic projects.

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Civil Rights Litigation

Course #: 2651 **Term:** 2022SP **Faculty:** Michelman, Scott **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 4:00 PM - 7:15 PM

Course Description: Prerequisite: Civil Procedure

Exam Type: One-Day Take-home

In developing rules for the enforcement of constitutional and statutory civil rights through civil actions, the Supreme Court has attempted to balance the need to enforce the Constitution and civil rights laws with countervailing interests such as state sovereignty, separation of powers, and the goal of protecting officers from being deterred from 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 foundation in civil rights enforcement doctrines and to consider broadly how procedural rules can dictate substantive outcomes and how gaps develop between rights and remedies.

Class Actions: Litigating Advanced Topics

Course #: 2024 **Term:** 2021FA **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**

Wed 4:30 PM - 6:30 PM

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

Prerequisite: Civil Procedure

Exam Type: No Exam

This course will focus on current topics in federal 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 (federal jurisdiction, selecting plaintiffs, standing, class standing, mootness, etc.), to class certification standards, procedures and opt outs, to class settlements, objectors and fee awards, class action tolling, and management of repetitive class actions.

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Climate Change and the Politics of International Law

Course #: 3094

Term: 2022SP

Faculty: Orford, Anne

Credits: 3.00

Type: Elective

Subject Areas: Environmental Law; International, Comparative & Foreign Law; Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Mon 4:30 PM - 6:30 PM

Tue 4:30 PM - 6:30 PM

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: Any Day Take-Home

As climate change has come to be seen as an urgent global problem, there has been a turn to international law for solutions. The resulting involvement of international lawyers in developing responses to climate change in an unequal world has been a deeply contested project. This course explores the varied roles that international lawyers and international institutions have played in shaping responses to climate change and the shifting historical contexts in which they have done so. We will study some of the competing projects and strategies that have been developed by international lawyers in relation to climate change over the past decades, such as drafting declarations and negotiating treaties, using trade and investment agreements as a basis for private actors to challenge state regulatory responses to climate change, expanding the role of the Security Council to address climate-related risks to international peace and security, engaging in transnational climate litigation, creating a new international crime of ecocide, facilitating the creation of new patents for climate-ready crops, and enabling public-private partnerships to support geoengineering fixes. We will explore how the relative strengths of states, corporations, philanthropists, and civil society organizations in different international fora have influenced the direction of new treaties, litigation strategies, security agendas, and multilateral projects. The readings will include texts from law, history, political economy, and postcolonial theory in order to interrogate the broader narratives of climate change that are used to justify particular technical legal projects. Throughout, we will ask whether the involvement of international law and international lawyers in the politics of climate change has been a good thing, and if so, for whom.

Note: This course will take place over the first six weeks of the term through March 2, 2022.

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Commercial Law: Secured Transactions

Course #: 2026

Term: 2022SP

Faculty: Kaufman, Andrew

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

Course Description: Prerequisites: 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.

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Communication, Law and Social Justice

Course #: 2844 **Term:** 2021FA **Faculty:** Jenkins, Alan **Credits:** 4.00

Type: Elective **Subject Areas:** Constitutional Law & Civil Rights; Disciplinary Perspectives & Law; Family, Gender & Children's Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice

Delivery Mode: Course

Days and Times: **Location**

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

Course Description: Prerequisites: None

Exam Type: One-Day Take-home

This course will introduce students to the role that written, oral, and multi-media communications play in the development of American law and policy, with a focus on social issues and movements. Using as case studies movements for racial equity, criminal justice reform, immigrant rights, gender equity, and economic opportunity, we will explore how change agents on multiple sides have used strategic framing and messaging, communications campaigns, and art and culture to influence - and in some instances transform - relevant law and policy. We will also examine how communication principles apply to U.S. Supreme Court advocacy. And we will study the ethical rules and parameters that regulate attorneys communications regarding pending litigation and broader legal advocacy.

Class participation and successful completion of written and oral assignments will count for a significant portion of students final grade. Assigned material will include cases, legislation, legal scholarship, social science literature, and mass media works.

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Communications and Internet Law and Policy

Course #: 2306 **Term:** 2022WI **Faculty:** Benkler, Yochai **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **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: Prerequisite: None
Exam Type: No Exam
The course will provide an introduction and overview to questions of communications and Internet law and policy. The intensive semester will combine several lectures and in-class discussions to provide background and overview of major issues, with intensive, workshop-style group work on policy briefs and in-class presentations. The topics of the policy briefs are selected so that by following their own, and other students presentations, students will receive an overview of the major topics currently at stake in communications and Internet law and policy, and will also develop an in-depth familiarity with a subset of the issues through intensive high-intensity research, discussion, and presentation.

Community Lawyering Reading Group

Course #: 2953 **Term:** 2022SP **Faculty:** Lawrence, Eloise **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

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 you 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.

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

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Comparative Constitutional Law

Course #: 2028

Term: 2021FA

Faculty: Jackson, Vicki

Credits: 4.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Tue 10:45 AM - 12:45 PM

Wed 10:45 AM - 12:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisites: None; U.S. constitutional law helpful but not required.

Exam Type: Any Day Take-home

The course will cover a series of topics arising in the comparative study of constitutional systems. Concentrating on constitutional structure and law in the United States and in such other countries as Australia, Canada, Colombia, France, Germany, Great Britain, India, Israel, Japan, Sri Lanka and South Africa, it will examine selected problems of both constitutional design and constitutional adjudication. We will, for example, take up the varying foundations and structures of judicial review of the constitutionality of laws (e.g., how are courts that engage in constitutional review structured, how are their judges appointed, what is the source of their authority to engage in constitutional review), in light of recent controversies. We will also likely consider various constitutional approaches to addressing emergencies and emergency powers, as well as constitutional law regulating the availability of abortion in selected jurisdictions (including the United States, Germany, Canada, Colombia, and Ireland). The course will consider the meanings of terms like "constitution" and "constitutionalism," "liberal" and "authoritarian," as well as the purposes and nature of legal comparison. Other likely topics include (1) relationships between "popular" branches of government and courts, including under constitutions that permit legislative "override" of constitutional limits, (2) constitutional transitions, including from democratic constitutionalism to more abusive or authoritarian forms of constitutionalism, (3) different forms of constitutional federalism, (4) approaches to protecting minority groups (for example, federalism, affirmative action for racial/ethnic/linguistic minorities, or group-based rights), (5) gender equality; (6) freedom of religion, (7) freedom of speech and the role of "knowledge" institutions (e.g. free press, universities, civic NGOs), and (8) positive social welfare rights.

Two overarching questions will be explored through these topics. First, we will be trying to improve our capacities to think systematically about constitutions, different structures for organizing governments and establishing just and efficacious governments, and about the role of constitutional law, constitutional rights, and courts. Second, we will critically examine the nature of comparative study, asking, can one draw conclusions for one country based on comparing constitutional experiences in others? Or is the possibility of drawing lessons from one polity to another always limited by the particularities of context and culture within which constitutions are formed and constitutional decision-making proceeds?

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Comparative Digital Privacy

Course #: 2615

Term: 2022SP

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

Thu 6:30 PM - 8:30 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 data scandals and breaches and growing 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, AI companies, and the like—as well as the details of the proposed privacy norms are highly contested. The COVID-19 pandemic and social justice crisis together with geopolitical tensions have contributed to the overall complexity and amplified many of the core digital privacy challenges of our time. In this interactive seminar, we will identify, map, analyze, and discuss the latest developments in digital privacy from an interdisciplinary and comparative perspective. In the first part of the seminar, we will discuss three contexts of contemporary life in which digital privacy issues have taken center stage: the social media crisis; traditionally marginalized populations and digital inequality; and the COVID-19 pandemic and its digital responses. Across these contextual areas, we will introduce competing theories and models of digital 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 will examine different cross-cutting normative developments that shape the future of digital privacy: legal and regulatory norm dynamics, social norm developments and interventions, as well as evolving norms around the design of technologies and applications (“privacy by default”). Taken together, we will evaluate how these strategies can help to address some of the concerns and harms that emerged in the first part of the seminar. 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? As appropriate, we will take a closer look at the General Data Protection Regulation and most recent legislative proposals in Europe, as well as a series of privacy laws introduced in the US, including the Californian Consumer Privacy Act and the Virginia Consumer Data Protection Act. The seminar will conclude with an outlook and a discussion of some of the next frontiers of digital privacy tussles, also considering global data flow issues and concepts such as data sovereignty and digital self-determination. Throughout the seminar, we will be in conversation with each other as well as with special guests, take moments to reflect on and share our learnings, and discuss privacy-relevant incidents and developments as they unfold.

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Comparative Law: Why Law? Lessons from China

Course #: 2461

Term: 2022SP

Faculty: Alford, William

Credits: 4.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisite: None

Exam Type: Any Day Take-home

This course uses the example of China as a springboard for asking fundamental questions about the nature of law, and the ways in which it may (or may not) differ in different societies. Historically, China is said to have developed one of the worlds great civilizations while according law a far less prominent role than in virtually any other. This course will test that assertion by commencing with an examination of classic Chinese thinking about the role of law in a well-ordered society and a consideration of the nature of legal institutions, formal and informal, in pre-20th century China-all in a richly comparative setting. It will then examine the history of Sino-Western interaction through law, intriguing and important both in itself and for the broader inquiry into which it opens concerning the transmission of ideas of law cross culturally.

The remainder (and bulk) of the course will use the example of the Peoples Republic of China - which has, for example, gone from a few thousand to hundreds of thousands of lawyers in a few decades - to ask what it means to build a legal order. Simply stated, what is central and why, what is universal and what culturally specific and why, and so forth? In addition to examining the principal institutions of the Party-state and the uses to which law is put, the contemporary parts of the course will consider issues of the economy, rights, the family and much more.

It is intended to be inviting to individuals both with and without prior study of China.

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Complex Litigation: Legal Doctrines, Real World Practice

Course #: 2366 **Term:** 2022SP **Faculty:** Clary, Richard **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:45 PM

Course Description: Prerequisites: 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 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 (including substantive bases and procedural rules); transfer, coordination and consolidation of federal actions; multi-district litigation, including choice of law in transferred cases; management of parallel federal/state proceedings and protection of MDL proceedings (including the All Writs Act and the Anti-Injunction Act); and practical issues relating to managing both MDL and multi-case litigation, such as coordination orders, counsel structure, and bellwether trials.

Conceptions of Legal Entities

Course #: 2807 **Term:** 2021FA **Faculty:** Kraakman, Reinier **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 6:30 PM - 8:30 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 legal 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?

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Conflict of Laws

Course #: 2033

Term: 2022SP

Faculty: Singer, Joseph

Credits: 4.00

Type: Elective

Subject Areas: Family, Gender & Children's Law; International, Comparative & Foreign Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

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

Prerequisites: Open to upper-level JD students. For LLM students: this upper-level course assumes that students have prior knowledge of the basic principles of American law of contracts, torts, property, and procedure (including personal jurisdiction law), as well as knowledge of common law reasoning and argument. LLM students may take this course only if they took a course at Harvard Law School in contracts, torts, or property law in the fall semester of 2021.

Exam Type: No Exam. The grade will be based on papers and moot court oral exercises.

This course examines how courts choose which law should be applied to transactions, relationships, or occurrences having contacts with more than one state in the United States, or with a state in the United States and a foreign nation. The course will also touch on adjudicatory jurisdiction, recognition of foreign judgments, and tribal sovereignty of American Indian nations. We will address the various approaches adopted by states and/or advocated by scholars, focusing on cases involving torts, contracts, property, family law, procedure, and tribal sovereignty. Roughly one-half of the class days will be devoted to a series of moot court exercises. Students will present oral arguments and act as judges, both asking questions and meeting in conference to decide the cases. Students will be required to write short, two-page single-spaced memoranda on six of the problem cases over the course of the semester, as well as a 5-page single-spaced proposed opinion on one of the moot court cases at the end of the semester.

Note: This course will satisfy half of Option 2 of the written work requirement or count as an experiential learning course.

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Conflict of Laws

Course #: 2033 **Term:** 2022SP **Faculty:** Sachs, Stephen **Credits:** 3.00

Type: Elective **Subject Areas:** Government Structure & Function; International, Comparative & Foreign Law; Legal & Political Theory; Procedure & Practice

Delivery Mode: Course

Days and Times: **Location**

Thu 10:45 AM - 12:15 PM

Fri 10:45 AM - 12:15 PM

Course Description: Prerequisites: LLM students must have taken (1) Either Civil Procedure or Federal Courts, or equivalent coursework; AND (2) one of the following: Contracts, Torts, or Property, or equivalent coursework.

Exam Type: One Day Take-Home

A study of the special problems that arise when a case is connected with more than one state or nation. Topics include choice of law, personal jurisdiction, judgment recognition, and relevant constitutional doctrines.

Constitutional History I: From the Founding to the Civil War

Course #: 2034 **Term:** 2022SP **Faculty:** Klarman, Michael **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 11:45 AM

Tue 10:45 AM - 11:45 AM

Wed 10:45 AM - 11:45 AM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

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

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Constitutional Law and Colonialism

Course #: 3019 **Term:** 2022SP **Faculty:** Davis, Seth **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Prerequisites: None
Exam Type: No Exam
This reading group will explore constitutional law and colonialism in contemporary, comparative, and historical perspectives. Typically, colonialism is not a topic of study in constitutional law courses in the United States. The readings will address that gap by considering the ways in which constitutional law has shaped, and been shaped by, U.S. colonialism. It will cover canonical cases concerning the relationships between the United States and Indigenous Peoples as well as cases concerning U.S. territories. It will also address cutting edges issues concerning Indigenous Peoples and the territories today. The readings will also have a comparative law component, including discussion of constitutionalism and colonialism in Australia, Canada, and New Zealand.
Note: This reading group will meet on the following dates: TBD

Constitutional Law: First Amendment

Course #: 2035 **Term:** 2022SP **Faculty:** Field, Martha **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:05 PM

Thu 1:45 PM - 3:05 PM

Fri 1:45 PM - 3:05 PM

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.

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Constitutional Law: First Amendment

Course #: 2035 **Term:** 2021FA **Faculty:** Parker, Richard **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:45 PM

Tue 10:45 AM - 12:45 PM

Course Description: Prerequisites: None
Exam Type: Any Day Take-Home
This course is one of the basic courses in the field. It 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 class will feature its development through time, animated and structured by its internal conflicts and by momentous shifts in its political and social contexts. Beginning with religion, we'll go on, at greater length, to explore speech issues. Analyzing the ebb and flow of doctrine and argument in the modern period since World War II will prepare us to speculate about developments that lie ahead now.
This will compel us to confront a great issue of our day: the crisis of liberal democracy in the West. The aim will be to enable us not only to understand and make constitutional argument, but also to better understand law in general - and its relation to politics.
In class, there may be some cold calling, but with a pass option. Electronic devices may be banned, depending on student views. If the class has under 50 students, a few grades may be raised in cases of excellent participation in class discussions.

Constitutional Law: First Amendment

Course #: 2035 **Term:** 2021FA **Faculty:** Fried, Charles **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

Course Description: Prerequisites: This course draws on a background of US history and constitutional history. Students who are unsure of their preparedness are encouraged to check with the instructor before enrolling. In addition, JD students who have taken other courses covering some of this material should seek permission before enrolling.
Exam Type: In Class
This course deals primarily with the First Amendment speech and 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.

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Constitutional Law: First Amendment

Course #: 2035 **Term:** 2022SP **Faculty:** Feldman, Noah **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

Course Description: Prerequisites: None. Students who have previously taken Religion and the First Amendment may not take this course.

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: First Amendment

Course #: 2035 **Term:** 2021FA **Faculty:** Weinrib, Laura **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-home

This course explores the constitutional law of freedom of expression, association, and religion under the First Amendment. Topics for discussion include advocacy of unlawful conduct, defamation, commercial speech, obscenity and pornography, offensive speech, expressive association, the regulation of campaign finance, and the free exercise and establishment of religion.

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Constitutional Law: Money and the Making of American Capitalism

Course #: 2452 **Term:** 2021FA **Faculty:** Desan, Christine **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

Course Description: Prerequisite: None

Exam: In Class

According to one of the framers, the “soul of the Constitution” was the clause allocating authority over money. Over the following centuries, money has remained at the center of debates over governance, including federalism and national power, American approaches to economic development and social welfare, the scope of judicial review, economically structured race discrimination, the ascendance of banks, and access to credit. This 3-credit course picks up an essential line of constitutional debate and determination in order to understand the shape of American capitalism. Topics include sovereign debt, the contracts clause, the banked architecture of money, Reconstruction finance and the failure of agrarian populism, the Gold Clause cases, the authority of the Federal Reserve, financialization and inequality.

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

Course #: 2036 **Term:** 2022SP **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 10:45 AM - 12:05 PM

Tue 10:45 AM - 12:05 PM

Wed 10:45 AM - 12:05 PM

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.

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

Course #: 2036

Term: 2022SP

Faculty: Fried, Charles

Credits: 4.00

Type: Multisection

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

Delivery Mode: Course

Days and Times:

Location

Mon 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

Course Description: Prerequisites: JD students who have taken other courses covering some of this material should seek permission before enrolling. LLM students require permission of instructor to enroll.

Exam Type: In Class

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

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

Note: This course is not available for rising 2Ls due to substantial overlap with the 1L Constitutional Law course.

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

Course #: 2036

Term: 2021FA

Faculty: Klarman, Michael

Credits: 4.00

Type: Multisection

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

Delivery Mode: Course

Days and Times:

Location

Mon 10:45 AM - 12:15 PM

Tue 10:45 AM - 12:15 PM

Wed 10:45 AM - 12:15 PM

Course Description:

Prerequisites: None

Exam type: Any Day Take-Home

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

Note: This course is not available for rising 2Ls due to substantial overlap with the 1L Constitutional Law course.

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Constitutions, Law, and Empire

Course #: 2412

Term: 2022SP

Faculty: Gordon-Reed, Annette; Onuf, Peter

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam

What is a Constitution? Why, and under what circumstances, do people make them? What about the United States and its written constitution: Exactly when and how was it made? This seminar will consider these and other questions as we read literature on constitutional developments in the British Empire, with a focus on settler constitutionalism in North America, the constitutional origins of the American Revolution, the development of state constitutions and the Federal Constitution, the law of nations (international law) with respect to slavery, colonization, and territorial expansion, Manifest Destiny, and the crisis of constitutionalism and law that led to the American Civil War.

Note: This course is jointly listed with FAS as HIST 2445.

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Contemporary Issues in Constitutional Law

Course #: 2897

Term: 2021FA

Faculty: Liu, Goodwin

Credits: 2.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights

Delivery Mode: Seminar

Days and Times:

Location

Mon 5:00 PM - 8:00 PM

Tue 5:00 PM - 8:00 PM

Wed 5:00 PM - 8:00 PM

Thu 5:00 PM - 8:00 PM

Course Description:

Prerequisites: Introductory Constitutional Law. 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, religious liberty, emergency powers, partisan gerrymandering, free speech, the limits of executive power, voting rights, campaign finance, immigration, same-sex marriage, and other topics.

Note: This seminar will take place over two weeks, beginning 9/13 and ending 9/23/21.

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Copyright

Course #: 2042 **Term:** 2022SP **Faculty:** Fisher, William **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:05 PM

Tue 10:45 AM - 12:05 PM

Wed 10:45 AM - 12:05 PM

Course Description: Prerequisites: None

Exam Type: One-Day Take-home

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://ipxcourses.org/course-overview/>.

Copyright

Course #: 2042 **Term:** 2021FA **Faculty:** Tushnet, Rebecca **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 8:00 AM - 10:00 AM

Tue 8:00 AM - 10:00 AM

Course Description: Prerequisites: None

Exam Type: Any Day Take-home

This course examines the law of copyright and its role within the overall framework of intellectual property law. Topics covered include the subject matter requirements for copyrightability; the rules that govern determination of authorship, the rights that copyright law confers on authors and the limitations and exceptions to those rights; the rules governing indirect liability of intermediaries and liability for circumvention of technological protections; and the scope of copyright preemption.

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Copyright and Trademark Litigation

Course #: 2043

Term: 2021FA

Faculty: Cendali, Dale

Credits: 2.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 1:45 PM - 3:45 PM

Course Description: Prerequisites: 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.

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Corporate and Capital Markets Law and Policy

Course #: 2362 **Term:** 2021FA **Faculty:** Bebchuk, Lucian; Kastiel, Kobi **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:45 PM

Thu 1:45 PM - 3:45 PM

Course Description: Prerequisites: There are no prerequisites for the course. However, it is recommended that students either (a) have taken (or are taking concurrently) the Corporations course at HLS, (b) have taken some course that considers corporations or business associations at another law school in the US or abroad, or (c) have had prior experience that exposed them to corporate law and governance issues. Students who have questions regarding whether the course would be suitable for them should feel free to contact the instructors.

Exam Type: No Exam

The course will consider a range of policy issues in the law governing corporations, securities, and capital markets. Issues to be considered include the allocation of power between managers and shareholders, takeover bids and proxy contests, hedge fund activism, index fund stewardship, executive compensation, controlling shareholders, dual-class structures, corporate social responsibility, stakeholder capitalism and securities regulation. A substantial number of sessions will feature outside speakers; such speakers will include prominent practitioners presenting on current policy and practice issues as well as prominent academics presenting on current research. To illustrate, recent speakers in this course have included prominent hedge fund activists, a sitting SEC Commissioner, a leading M&A litigator, and prominent academics.

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

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

There will be no examination. Instead, students will be asked to submit brief memos in connection with each session. Grades will be based on these memos (primarily) and on participation in class discussion.

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Corporate Finance

Course #: 2244 **Term:** 2022SP **Faculty:** Ferrell, Allen **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:15 PM

Tue 1:45 PM - 3:15 PM

Course Description: Prerequisites: No prerequisites, but a corporations course is strongly advised.
Exam Type: In Class
This course addresses the fundamentals of financial economics and reviews applications in selected areas of corporate and securities law.

Corporate Finance

Course #: 2044 **Term:** 2021FA **Faculty:** Spamann, Holger **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:45 PM

Tue 10:45 AM - 12:45 PM

Course Description: Prerequisites: Students must have taken Analytical Methods, Introduction to Finance Concepts, or a similar introduction to basic present value calculations at HLS or elsewhere.

Exam Type: No Final Exam. See details on midterm exams below.

Finance is important to understand the world, your clients, and the law – and not just corporate law and clients. This course will teach financial concepts mostly through hands-on financial exercises, small and big; the only lectures will be pre-recorded videos you can watch at home. There will be few legal materials, and only as illustrations of financial concepts. As compared to a typical business school course, this course will put more emphasis on concepts and less on details of project valuation. There will be plenty of numerical exercises but little math.

The course is divided into four modules of three weeks each: (1) Replicating cash flows and the law of one price; (2) Diversification and market efficiency; (3) Capital structure; (4) Options and auctions. Each module concludes with a one-hour take-home exam to be taken anytime between midnight on the day of the last class and 4:30pm on the Friday of that week; there will be no other exam or paper for this course.

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Corporate Governance

Course #: 2046 **Term:** 2022SP **Faculty:** Hamdani, Assaf **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 7:15 PM - 9:15 PM

Course Description: Co/Prerequisites: Corporations
strong>Exam Type: No Exam
This reading group will focus on current debates about the governance of the public corporation and its purpose. Topics will include stakeholder governance v. shareholder primacy, and the role of controlling shareholders, hedge funds and other powerful investors.
Note: This reading group will meet on the following dates: TBD

Corporate Governance: Corporate Purpose

Course #: 3026 **Term:** 2021FA **Faculty:** Roe, Mark **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites: Corporations, as co-requisite, or sufficient background with permission of the instructor.

Exam Type: No Exam

In this course, we will examine classic writings and current controversies about the purpose of the large corporation.

Note: This course will meet for the first six weeks of the term.

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Corporations

Course #: 2048

Term: 2021FA

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

Mon 8:00 AM - 10:00 AM

Tue 8:00 AM - 10:00 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: In Class

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 TBD.

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Corporations

Course #: 2048

Term: 2021FA

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 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 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. 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.

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Corporations

Course #: 2048 **Term:** 2021FA **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**

Mon 4:30 PM - 5:50 PM

Tue 4:30 PM - 5:50 PM

Wed 4:30 PM - 5:50 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.

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Corporations

Course #: 2048

Term: 2021FA

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

Mon 10:45 AM - 12:45 PM

Tue 10:45 AM - 12:45 PM

Wed 10:45 AM - 12:45 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 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: This course will meet on average of 4 hours per week within the days and times listed above.

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Corporations

Course #: 2048 **Term:** 2022SP **Faculty:** Hamdani, Assaf **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:05 PM

Tue 10:45 AM - 12:05 PM

Wed 10:45 AM - 12:05 PM

Course Description: Prerequisites: None

Exam Type: In Class

The course will examine the law that governs corporations, with a focus on the on the protection of shareholders in large public corporations against management and controlling shareholders. Topics covered include voting rights, corporate finance, fiduciary duties, derivative suits, mergers and acquisitions, creditor protection, and insider trading.

Corporations

Course #: 2048 **Term:** 2022SP **Faculty:** de Fontenay, Elisabeth **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

Course Description: Prerequisites: None

Exam Type: In Class

This course surveys the law providing ground rules for the organization, internal governance, and financing of corporations. Topics include limited liability, fiduciary duties, shareholder voting, derivative suits, control transactions, mergers and acquisitions, public contests, and trading. The emphasis throughout is on the functional analysis of legal rules as one set of constraints on corporations, among others.

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Corporations

Course #: 2048 **Term:** 2022SP **Faculty:** Hanson, Jon **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:05 PM

Thu 1:45 PM - 3:05 PM

Fri 1:45 PM - 3:05 PM

Course Description: Prerequisites: None

Exam Type One-Day Take-Home

This course surveys the role of legal controls on business organizations with emphasis on the control of managers in publicly held corporations. The course begins with an historical view of corporate form followed by a brief review of the law of agency, partnership, and closely held corporations. Topics include basic fiduciary law, shareholder voting, derivative suits, executive compensation, and control transactions. The course takes a critical perspective on corporate law (and its implications for corporate power) throughout.

Creating Electricity in the U.S.: Exploring the Tradeoffs

Course #: 2931 **Term:** 2021FA **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**

Thu 1:45 PM - 3:45 PM

Course Description: Prerequisite: None

Exam Type: No Exam

In this reading group, we will explore historic and ongoing legal and policy debates about the fuels that power the US electric system. We will begin with efforts 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, local environmental quality, and greenhouse gas emissions. To provide context, we will read about the utility industry's business model, the electric system's operations, and the pros and cons of various energy sources. We will discuss how the evolution of the electric power industry intersects with debates about the role of government in our economy and question the balance between the benefits of cheap power and the burdens faced by communities across the country that host energy infrastructure.

Note: This reading group will be held on the following dates: TBD

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Criminal Justice Appellate Clinic

Course #: 8050 **Term:** 2022WS **Faculty:** Ali, Amir; Rao, Devi **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 offering may count the credits towards the JD experiential learning requirement.
Required Class Component: Criminal Justice Appellate Clinical Seminar (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: None.
By Permission: Yes. Applications are due October 23, 2021.
Add/Drop Deadline: November 12, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT. Multi-Semester: This is a winter-spring clinic (2 winter clinical credits + 2-3 spring clinical credits).

Placement Site: Washington D.C. office.

Students will participate in an externship with the Roderick & Solange MacArthur Justice Center (“MJC”) in Washington, D.C., working on appeals before federal circuit courts and/or the U.S. Supreme Court that raise important issues related to civil rights and the criminal justice system. Students will learn the ins-and-outs of litigating appeals in the field criminal justice, including general appellate strategy and skills, and emerging issues in the criminal justice system. Under the supervision of the director of MJC’s D.C. Office, students will have the opportunity to make a substantial contribution to the office’s ongoing appellate cases, including performing research and draft legal analysis for briefs that will be filed in federal court. Depending on the particular matters students work on, this may also include participation in client interaction and strategic decision-making, analysis of factual records, and participation in moot oral arguments (depending upon the stage of their assigned appeals). Students may also have the option of continuing the clinic remotely in the spring semester, allowing more substantial involvement in their assigned appeals and increased exposure to appellate litigation. MJC is one of the nation’s premier civil rights organizations and champions criminal justice reform through litigation, in areas that include police misconduct, rights of the accused, issues facing indigent prisoners, the death penalty, and the rights of detainees. The organization’s Washington, D.C. office focuses specifically on appellate litigation as a vehicle for achieving change in these areas. Examples of issues raised in MJC appeals include:

Unsettled questions of criminal procedure under the Fourth, Fifth, and Sixth Amendments (search & seizure, privilege against self-incrimination, right to a jury, right to counsel); Issues facing indigent prisoners, including the constitutional rights of prisoners to be free from cruel and unusual treatment by prison officials and access to courts; Constitutional challenges to the use of solitary confinement in the prison system; Fundamental trial rights under the Due Process Clause, including issues unique to capital trials; Challenges to certain discriminatory executive actions outside of the criminal justice system, including discriminatory practices of Immigration and Custom Enforcement and discrimination against Muslim travelers at the border. Students admitted to the clinic will be supervised by Amir H. Ali, founder of MJC’s Washington, D.C. office, who serves as the organization’s Supreme Court & Appellate Counsel.

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by October 23, 2021.

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Criminal Justice Appellate Clinical Seminar

Course #: 2363

Term: 2022WI

Faculty: Ali, Amir; Rao, Devi

Credits: 1.00

Type: Elective

Subject Areas: Criminal Law & Procedure

Delivery Mode: Seminar

Days and Times:

Location

Course Description:

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

Required Clinic Component: Criminal Justice Appellate Clinic (2 winter clinical credits + 2-3 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: Yes. Applications are due October 23, 2021.

Add/Drop Deadline: November 12, 2021.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Washington D.C. office.

This winter-term course is taken concurrently with the Criminal Justice Appellate Clinic.

Students will participate in an externship with the Roderick & Solange MacArthur Justice Center (“MJC”) in Washington, D.C., working on appeals before federal circuit courts and/or the U.S. Supreme Court that raise important issues related to civil rights and the criminal justice system.

Students will learn the ins-and-outs of litigating appeals in the field criminal justice, including general appellate strategy and skills, and emerging issues in the criminal justice system. Under the supervision of the director of MJC’s D.C. Office, students will have the opportunity to make a substantial contribution to the office’s ongoing appellate cases, including performing research and draft legal analysis for briefs that will be filed in federal court. Depending on the particular matters students work on, this may also include participation in client interaction and strategic decision-making, analysis of factual records, and participation in moot oral arguments (depending upon the stage of their assigned appeals). Students may also have the option of continuing the clinic remotely in the spring semester, allowing more substantial involvement in their assigned appeals and increased exposure to appellate litigation.

MJC is one of the nation’s premier civil rights organizations and champions criminal justice reform through litigation, in areas that include police misconduct, rights of the accused, issues facing indigent prisoners, the death penalty, and the rights of detainees. The organization’s Washington, D.C. office focuses specifically on appellate litigation as a vehicle for achieving change in these areas.

Examples of issues raised in MJC appeals include:

Unsettled questions of criminal procedure under the Fourth, Fifth, and Sixth Amendments (search & seizure, privilege against self-incrimination, right to a jury, right to counsel);

Issues facing indigent prisoners, including the constitutional rights of prisoners to be free from cruel and unusual treatment by prison officials and access to courts;

Constitutional challenges to the use of solitary confinement in the prison system;

Fundamental trial rights under the Due Process Clause, including issues unique to capital trials;

Challenges to certain discriminatory executive actions outside of the criminal justice system, including discriminatory practices of Immigration and Custom Enforcement and discrimination against Muslim travelers at the border.

Students admitted to the clinic will be supervised by Amir H. Ali, founder of MJC’s Washington, D.C. office, who serves as the organization’s Supreme Court & Appellate Counsel.

Application: Students interested in this clinic should submit a resume, an unedited writing sample, and a statement of interest (less than 300 words) that includes: (i) the student’s reason for applying to

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the clinic, including particular criminal justice issues the student is interested in, and (ii) any prior exposure to appellate and/or criminal justice issues. Applications should be submitted to clinical@law.harvard.edu by October 23, 2021.

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Criminal Justice Institute: Criminal Defense Clinic

Course #: 8002 **Term:** 2021FW **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 offering may count the credits towards the JD experiential learning 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: August 13, 2021.
LLM Students: LLM students are not eligible to enroll. 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 29, Thursday, September 30 AND Friday, October 1, 2021. 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. 27) or Tuesday (Sept. 28).

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 27 – October 1, 2021. During this

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Criminal Justice Institute: Criminal Defense Clinic

Course #: 8002 **Term:** 2022WS **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 offering may count the credits towards the JD experiential learning requirement.

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

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

By Permission: No.

Add/Drop Deadline: Please note this clinic has an early drop deadline of Friday, August 13, 2021.

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

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

Placement Site: HLS.

Add/Drop Deadline: Friday, August 13, 2021.

Mandatory Meetings: All students enrolled in the clinic (fall-winter and winter-spring) must attend mandatory orientation sessions (times indicated below) on Wednesday, September 29, Thursday, September 30 AND Friday, October 1, 2021. 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. 27) or Tuesday (Sept. 28).

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 27 – October 1, 2021. During this first week of CJI, all students must attend a number of mandatory orientation sessions. Each student is

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required to attend (as assigned) one day of court observation followed by a facility tour, which will be held on Monday (Sept. 27) or Tuesday (Sept. 28) from 8:45 AM - 3:00 PM. Additionally, all students must attend the mandatory orientation sessions on Wednesday (Sept. 29) from 12:00 PM – 5:00 PM, Thursday (Sept. 30) from 2:00 PM – 5:00 PM, as well as on Friday (Oct.1) from 9:00 AM – 2:00 PM. Starting this first week and throughout the Fall, class will meet on Tuesdays and Wednesdays from 4:30 PM - 6:30 PM. During the winter, class will meet on Wednesdays and Thursdays from 1:45 PM - 3:45 PM. There will be a mandatory mini-orientation session on Thursday, January 6, 2022, for students enrolled in the winter-spring clinic; winter-spring clinic students required to attend all orientation sessions scheduled in September and January.

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 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.

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Criminal Justice Institute: Defense Theory and Practice

Course #: 2261 **Term:** 2021FW **Faculty:** Umunna, Dehlia **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Wed 4:30 PM - 6:30 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Students who enroll in this offering 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 will be automatically enrolled in this course when they enroll in either of the clinic options.
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 13, 2021.
LLM Students: LLM students are not eligible to enroll. Multi-Semester: This is a fall-winter course (3 fall classroom credits + 1 winter classroom 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 29, Thursday, September 30 AND Friday, October 1, 2021. 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. 27) or Tuesday (Sept. 28).

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

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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 27 – October 1, 2021. During this first week of CJL, 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. 27) or Tuesday (Sept. 28) from 8:45 AM - 3:00 PM. Additionally, all students must attend the mandatory orientation sessions on Wednesday (Sept. 29) from 12:00 PM – 5:00 PM, Thursday (Sept.30) from 2:00 PM – 5:00 PM, as well as on Friday (Oct. 1) from 9:00 AM – 2:00 PM. Starting this first week and throughout the Fall, class will meet on Tuesdays and Wednesdays from 4:30 PM - 6:30 PM. During the winter, class will meet on Wednesdays and Thursdays from 1:45 PM - 3:45 PM. There will be a mandatory mini-orientation session on Thursday, January 6, 2022, for students enrolled in the winter-spring clinic; winter-spring clinic students required to attend all orientation sessions scheduled in September and January.

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 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.

Criminal Municipal Courts: A Policy and Advocacy Simulation

Course #: 3089

Term: 2022SP

Faculty: Natapoff, Alexandra

Credits: 2.00

Type: Elective

Subject Areas: Criminal Law & Procedure

Delivery Mode: Course

Days and Times:

Location

Tue 7:15 PM - 9:15 PM

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

Municipal courts represent an enormous swath of the American judiciary. Nationwide, there are over 7,500 such courts in thirty states. Collectively they process over 3.5 million criminal misdemeanor cases every year and collect at least \$2 billion in fines and fees. Created, funded, and controlled by cities, these courts — sometimes referred to as “summary” or “justice” or “police” courts — tend to be low profile, low resource, and low status, which hampers their ability to provide robust legal process and support for the millions of defendants who pass through their doors. They also often exhibit many of the dysfunctions for which lower courts have been generally criticized: cavalier speed, legal sloppiness, punitive harshness, and disrespectful treatment of defendants.

In this course, students will simulate the role of policy advocate for the support and improvement of the criminal municipal court function. Student will study the law, scholarship, and policy practices surrounding the modern municipal court phenomenon. Teams of students will design and draft materials aimed at supporting and improving criminal municipal court practices, including educational materials for municipal court judges, a Best Practices Handbook, and a Citizen’s Guide to Municipal Courts.

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Criminal Procedure: Adjudication

Course #: 2049 **Term:** 2021FA **Faculty:** Lanni, Adriaan **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 10:45 AM - 12:45 PM

Wed 10:45 AM - 12:45 PM

Course Description: Prerequisite: None

Exam Type: One-Day Take-home

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.

Criminal Procedure: Investigations

Course #: 2050 **Term:** 2022SP **Faculty:** Natapoff, Alexandra **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 4:30 PM - 6:30 PM

Tue 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: In Class

This course examines the law governing police behavior, primarily by examining the constitutional doctrines of the Fourth, Fifth, and Sixth Amendments that regulate law enforcement action. Topics covered include the right to counsel, search and seizure, stop and frisk, electronic surveillance, probable cause, warrants and their exceptions, police use of force, custodial interrogation, and exclusionary remedies. In addition to doctrinal examination, the course will also ask broader policy questions about the regulation, democratic accountability, and scope of police behavior in the United States today.

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Criminal Procedure: Investigations

Course #: 2050

Term: 2022WI

Faculty: Seo, Sarah

Credits: 3.00

Type: Multisection

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

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:

Prerequisites: None

Exam Type: Any Day Take-Home

This course examines the issues that arise under the Fourth, Fifth, and Sixth Amendments during the government's investigatory phase of a criminal case. It will also examine the relationships between constitutional doctrines, policies, and social issues.

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Criminal Prosecution Clinic

Course #: 8003 **Term:** 2021FW **Faculty:** Corrigan, John **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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: Prosecution Clinical Seminar (2 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. Enrollment in TAW and Evidence is separate from clinical registration.
By Permission: No.
Add/Drop Deadline: August 13, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
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.

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Crimmigration Clinic

Course #: 8043 **Term:** 2021FA **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 offering 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). Students who are accepted into this clinic will be enrolled in the required clinical course component by the Office of Clinical and Pro Bono Programs, unless they have already completed the course as a non-clinical student.
Additional Co-/Pre-Requisites: No.
By Permission: Yes - applications are due by April 30, 2021. The application deadline for transfer students is August 13, 2021.
LLM Students: LLM students may apply to the 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 administrative and federal litigation in both federal appellate courts and district courts concerning criminal bars to immigration relief, detention, and the crime-based grounds of removal. Students also work with community-based organizations and non-profits to develop affirmative district court litigation challenging anti-immigrant policies. Clinical students will also work with the Harvard Criminal Justice Institute and other criminal defense attorneys around the country to provide advice about the immigration consequences of criminal charges.
The Crimmigration Clinic is offered for 3 clinical credits in both the Fall and Spring semesters. Students should indicate which semester they are applying for in their statement of interest. Students in the clinic (both Fall and Spring semesters) are required to enroll in the Fall clinical course component.
Enrollment in the Crimmigration Clinic is by application only (applications are due to Phil Torrey - ptorrey@law.harvard.edu). Students should include a resume and short statement of interest (250 words or less) in their application. Applications are due by April 30, 2021. Once accepted, students will work with the Office of Clinical and Pro Bono Programs to finalize their registrations.

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Crimmigration Clinic

Course #: 8043 **Term:** 2022SP **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 offering 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). Students who are accepted into this clinic will be enrolled in the required clinical course component by the Office of Clinical and Pro Bono Programs, unless they have already completed the course as a non-clinical student.
Additional Co-/Pre-Requisites: No.
By Permission: Yes - applications are due by April 30, 2021. The application deadline for transfer students is August 13, 2021.
Add/Drop Deadline: August 27, 2021.
LLM Students: LLM students 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 administrative and federal litigation in both federal appellate courts and district courts concerning criminal bars to immigration relief, detention, and the crime-based grounds of removal. Students also work with community-based organizations and non-profits to develop affirmative district court litigation challenging anti-immigrant policies. Clinical students will also work with the Harvard Criminal Justice Institute and other criminal defense attorneys around the country to provide advice about the immigration consequences of criminal charges.
The Crimmigration Clinic is offered for 3 clinical credits in both the Fall and Spring semesters. Students should indicate which semester they are applying for in their statement of interest. Students in the clinic (both Fall and Spring semesters) are required to enroll in the Fall clinical course component.
Enrollment in the Crimmigration Clinic is by application only (applications are due to Phil Torrey - ptorrey@law.harvard.edu). Students should include a resume and short statement of interest (250 words or less) in their application. Applications are due by April 30, 2021. Once accepted, students will work with the Office of Clinical and Pro Bono Programs to finalize their registrations.

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Crimmigration: The Intersection of Criminal Law and Immigration Law

Course #: 2597 **Term:** 2021FA **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**

Tue 10:45 AM - 12:45 PM

Course Description: Prerequisites: 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 to understand the intersection of criminal law and immigration law. The goal of this course is to give students the skills to recognize and examine immigration consequences of criminal convictions and to understand how those laws have developed in light of historical trends related to immigration detention, border security, race, poverty, national security, and Fifth Amendment Due Process jurisprudence.

Some seats in this course are reserved for students in the Crimmigration Clinic. For more information, please view the clinic's Course Catalog description.

Critical Corporate Theory Lab

Course #: 3107 **Term:** 2021FA **Faculty:** Hanson, Jon **Credits:** 2.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Legal & Political Theory; Regulatory Law

Delivery Mode: Seminar

Days and Times: **Location**

Mon 7:15 PM - 9:15 PM

Course Description: Prerequisite: By Permission. Students interested in applying to join the Lab should submit a short (300 word maximum) statement of interest to Professor Hanson, if possible, by June 1, 2021. The statement should summarize the student's motivation for taking the Lab and any relevant experience the student has. Students interested in learning more about the course should email Professor Hanson (hanson@law.harvard.edu; please include Critical Corporate Theory Lab in the subject line).

Exam Type: No Exam

In this two unit seminar, students will work collaboratively on writing, assembling, and editing essays on the role of corporations, corporate power, and corporate law in producing systemic injustices. Most class sessions will be student-led, interactive, and collaborative. The course will provide students the opportunity to research and write about corporate power and systemic injustices.

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Critical Race Theorists and their Critics

Course #: 3096 **Term:** 2022SP **Faculty:** Charles, Guy-Uriel **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This seminar examines the role of the law and legal activism in perpetuating and alleviating racial inequality in the United States. Several questions animate our readings and discussions. First, how have laws and legal institutions shaped racial identity? Second, how have ideas about race shaped legal institutions? Third, why does racial inequality persist despite social movement organizing and progressive legal transformations? Our readings excavate the various ways scholars and advocates have grappled with these questions. We will consider tensions and debates among race theorists including the dominant school of race theory in law, Critical Race Theory. We will identify the stakes of these debates and the consequences (intended and unintended) of various legal reform projects designed to issues of race.

Critical Race Theory

Course #: 2279 **Term:** 2021FA **Faculty:** Mack, Kenneth **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 7:15 PM - 9:15 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This reading group will consider one of the newest intellectual currents within American Legal Theory - Critical Race Theory. Emerging during the 1990s, critical race scholars made many controversial claims about law and legal education - among them that race and racial inequality suffused American law and society, that structural racial subordination remained endemic, and that both liberal and critical legal theories marginalized the voices of racial minorities. Course readings will be taken from both classic works of Critical Race Theory and newer interventions in the field, as well as scholarship criticizing or otherwise engaging with Critical Race Theory from outside or at the margins of the field.

Note: This reading group will be held on the following dates: TBD

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Critical Theory in Legal Scholarship

Course #: 2052

Term: 2021FA

Faculty: Halley, Janet

Credits: 2.00

Type: Elective

Subject Areas: Legal & Political Theory

Delivery Mode: Seminar

Days and Times:

Location

Wed 4:30 PM - 6:30 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

Class participation will be expected and will be considered in grading. Students may write 5 short response papers. The professor will provide feedback and revisions will be encouraged.

The goal of this seminar will be to help students imagine writing projects of their own which put critical theory from the humanities and from legal studies "to work" in understanding some concrete dimension of the law. Readings will be a selected range of "classics" in literary, social and legal theory, paired with remarkable examples of legal-academic writing strongly engaged with them. Our discussions will aim for mastery of the former and a nuanced understanding of the interventions and methods exemplified by the latter. The target audience of this Seminar is students with ambitions to write legal scholarship - whether LL.M.s writing scholarly papers or 2Ls and 3Ls in the early, middle or late stages of framing an academic project. LL.M.s are encouraged to enroll. SJDs are welcome to audit.

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

Course #: 2933

Term: 2022SP

Faculty: Presser, Mitchell

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Thu 3:00 PM - 6:00 PM

Course Description: Students who enroll in this offering 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, and 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.

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Current Issues in Securities Regulation

Course #: 2046

Term: 2021FA

Faculty: Fried, Jesse

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 7:15 PM - 9:15 PM

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

Exam Type: No Exam

Students will read and discuss materials relating to current issues in securities regulation. Topics in the past have included recent insider trading cases, the Dodd-Frank corporate-governance provisions, and cross-border enforcement issues. As is the norm with reading groups, there will be no examination or paper, and the class will be graded credit/fail.

Note: This reading group will be held on the following dates: TBD

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Current Topics in Latino Civil Rights

Course #: 2903 **Term:** 2022SP **Faculty:** Perales, Nina; Saenz, Thomas **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Course Description: Prerequisite: This reading group will be by permission of the instructor. To apply, please send a resume and brief paragraph stating your interest in the course to Crystal Dorman (cdorman@law.harvard.edu) with subject line Current Topics in Latino Civil Rights Reading Group Application by TBD

Exam Type: No Exam

In 2019, the number of Latinos reached a record 60.6 million -- 18% of the U.S. population. Latinos constituted more than 50% of all population growth in the U.S. since 2010. Despite rapid population growth, and their new status as the largest racial minority in the U.S., Latinos continue to struggle against racial discrimination and structural barriers in the areas of education, employment and political participation.

The need to combat anti-Latino discrimination in a context of fast-changing demographics, both within and outside the U.S. Latino community, poses an urgent challenge for lawyers whose main tools are civil rights statutes and legal precedent that often are more than 50 years old.

This reading group will explore present-day legal cases challenging racial discrimination against U.S. Latinos and the success (or lack of success) of that litigation. We will discuss theories and strategies available to challenge discrimination as well as the continued utility of the established framework of civil rights statutes and precedent. Readings will include a range of texts (judicial opinions, scholarly writing, and popular commentary) to explore these topics.

Each student will be required to write a brief single "response paper" during the semester addressing the assigned readings for that particular week and setting out some questions for general class discussion.

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

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Cyberlaw Clinic

Course #: 8004 **Term:** 2021FA **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 offering 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 13, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

Placement Site: HLS.

The Cyberlaw Clinic, based at Harvards Berkman Klein 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 areas of law that include Communications Infrastructure; Consumer Protection, Privacy, & Compliance; General Internet Business Law; Government Innovation; Intellectual Property; Litigation and Amicus Advocacy; Online Safety, Digital Civil Liberties, & User Rights; Speech, Media Law, & First Amendment; and Technology & 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, civil liberties, and human rights. 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://clinic.cyber.harvard.edu>.

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Cyberlaw Clinic

Course #: 8004

Term: 2022SP

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 offering 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: December 3, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

Placement Site: HLS.

The Cyberlaw Clinic, based at Harvards Berkman Klein 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 areas of law that include Communications Infrastructure; Consumer Protection, Privacy, & Compliance; General Internet Business Law; Government Innovation; Intellectual Property; Litigation and Amicus Advocacy; Online Safety, Digital Civil Liberties, & User Rights; Speech, Media Law, & First Amendment; and Technology & 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, civil liberties, and human rights. 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://clinic.cyber.harvard.edu>.

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Cyberlaw Clinic Seminar

Course #: 2674 **Term:** 2021FA **Faculty:** Bavitz, Christopher; Fjeld, Jessica **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 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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.

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Cyberlaw Clinic Seminar

Course #: 2674 **Term:** 2022SP **Faculty:** Bavitz, Christopher; Fjeld, Jessica **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 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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: None.
By Permission: No.
Add/Drop Deadline: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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.

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Democracy and the Rule of Law Clinic

Course #: 8049

Term: 2022SP

Faculty: Nadeau, Genevieve; Berwick, Ben

Credits: 5.00

Type: Clinic

Subject Areas: Procedure & Practice

Delivery Mode: Clinic

Days and Times:

Location

Course Description:

Students who enroll in this offering 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: December 3, 2021. LLM Students: International students on F-1 student visas are required to have

Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT. 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.

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.

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Democracy and the Rule of Law Clinic

Course #: 8049 **Term:** 2021FA **Faculty:** Florence, Justin; El-Mallawany, Deana **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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 13, 2021.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

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.

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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.
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.

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Design for Democratic Discourse

Course #: 3113

Term: 2021FA

Faculty: Zittrain, Jonathan

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Mon 1:45 PM - 3:45 PM

Course Description: Prerequisites: Admission to the seminar is by permission of the instructors. Students should complete the application at this link: <https://forms.gle/yo4iqtWvjrk3UWcE7>. Students are also strongly encouraged to submit a CV to both wmarks@cyber.harvard.edu and a2jz@law.harvard.edu. -- Applications should be completed by June 3rd for June 10 admission decisions and thereafter rolling admission may be considered beginning Jun 11.

Exam Type: No Exam

The design of a technology can greatly influence how it is used and by whom -- and the behavior of those who use it, including behavior that impacts others. This seminar will bring together students of law, technology, and design, to explore how communication and media technologies have embedded particular values and what lessons might be drawn for future possibilities as more of our lives and identities are conducted and shaped online.

Questions include:

How much should design and content moderation choices for ubiquitous social media platforms be made by the private companies who offer them, versus through government regulation or influence?

To what extent is it important for public discourse to emphasize contrary views rather than to reaffirm the views of users? To what extent is it important for public discourse to limit or present

“balance” to unsubstantiated claims or views labeled -- by whom is another question -- as dangerous? How much should platforms for discourse take responsibility for the content within them, including content that may be false or misleading?

How does design elevate some voices while discouraging others, and what, if anything, should be done about it?

Is it better to have a handful of platforms, or many?

Should platform interoperability be required? What levels of interoperability are possible across current social platforms?

What forms of online discourse have yet to be invented? How might online and “real life” spaces for discourse (e.g., town halls) be better integrated?

What is the right balance between centralized and decentralized control of power in social platforms? For example, should verification of users be centralized or decentralized? Parameter settings of content/ad targeting systems? Setting and implementation of moderation policies?

This seminar will be taught with Deb Roy, MIT Professor of Media Arts and Sciences.

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Designing a Central Bank Digital Currency for the United States

Course #: 3105 **Term:** 2021FA **Faculty:** Jackson, Howell **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Prerequisite: None

Exam Type: No Exam

Over the past decade, the emergence of cryptocurrencies like Bitcoin and Libra has put pressure on central banks around the globe to explore whether they also should develop digital currencies. This reading group will focus on options for creating such central bank digital currency (CBDC) for the United States. In addition to exploring the growing academic literature on the topic, the reading group will dig into practical, technical and legal challenges of designing a CBDC for this country. Several attorneys currently working on these issues will participate in at least some of the sessions of the reading group. Interested students will have opportunities to write independent papers or doing research work on related topics later in the academic year. The subject matter of this reading group will complement Professor Jackson's course on the Regulation of Financial Institutions and students are welcome to take both concurrently. Readings will be drawn from recent scholarly work and public policy papers.

Note: This reading group will be held on the following dates: TBD

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Designing Dispute Systems for Justice

Course #: 2059 **Term:** 2021FA **Faculty:** Viscomi, Rachel **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**

Thu 6:30 PM - 8:30 PM

Course Description: Prerequisites: TBD

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.

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Digital Governance: Privacy and Technology Trade-Offs

Course #: 3101

Term: 2021FA

Faculty: Goldsmith, Jack; Raul, Alan

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Thu 6:30 PM - 8:30 PM

Course Description:

Prerequisites: None

Exam Type: No Exam. Grading will be based 50% on class participation and 50% on 6 short thought papers written and submitted over the course of the semester.

This seminar will examine the law and policy that govern the use of personal data and sensitive cyber technologies. Topics will include digital privacy, data protection, cybersecurity, behavioral and location tracking, profiling, microtargeting, artificial intelligence, facial recognition technology, biometric collection, ubiquitous sensors, government access and surveillance, and online disinformation. The readings will include statutes, regulations, judicial decisions, enforcement actions, policy documents, scholarly, technical and practical articles, and news stories. Grading will be based 50% on class participation and 50% on 6 short thought papers written and submitted over the course of the semester.

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Dilemmas in Dispute Resolution

Course #: 2376

Term: 2022SP

Faculty: Budish, Sara

Credits: 1.00

Type: Elective

Subject Areas: Legal & Political Theory; Procedure & Practice

Delivery Mode: Reading Group

Days and Times:

Location

Tue 7:15 PM - 9:15 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

This reading group will explore situations and applications that challenge core principles in negotiation, mediation, and dispute systems design work. When placed in certain contexts, bedrock ideals in many interest-based models of dispute resolution - impartiality, joint contribution, validity of multiple perspectives - may begin to seem less benign. To bring to life the challenges and explore the contours of these ideals, contexts for our discussions may include the relationship between negotiation and activism; the role of process and dialogue in a polarized social and political environment; the challenges that misinformation and disinformation pose to models of dispute resolution and conflict engagement; and other recent examples.

What is the responsibility (if any) of the conflict management "neutral" to have and apply a particular view of justice and morality? How can practitioners account for and address power imbalances between parties without re-entrenching them? How do we grapple with principles that, when applied in certain ways, or by certain actors, could lead to results that are deeply discomfiting at a moral or ethical level? And how do different approaches to managing conflict help - or hinder - a search for "truth"?

We will explore these questions together in the reading group through course materials such as scholarship from negotiation theory and moral philosophy; current news articles and commentary; and podcasts and other modes of storytelling, including artwork and poetry.

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

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Disability Law

Course #: 2058 **Term:** 2021FA **Faculty:** Field, Martha **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:45 AM - 12:45 PM

Course Description: Prerequisites: None, but not open to students who have taken another course on American Disability Law.

Exam Type: No Exam

This is a course on the Americans with Disabilities Act (ADA), the Fair Housing Act as it relates to persons with disabilities, and the Individuals with Disabilities Education Act (IDEA). We also study the constitutional rules the Supreme Court has developed so far. We will focus on the complicated rules and decisions that govern disability today, many of them Supreme Court decisions, with an aim of understanding what the law is and seeking ways to improve upon it.

We will also discuss major themes such as the pros and cons of mainstreaming; the pros and cons of scientific efforts to eliminate disability by preventing persons with disabilities from being born; the social vs. the medical model of disability; and disability pride.

During the course students will choose paper topics and should submit a paper (instead of an exam).

Disability, Human Rights, and Development

Course #: 2712 **Term:** 2022SP **Faculty:** Stein, Michael Ashley **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 7:15 PM - 9:15 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This course examines the current and future status of disability rights as a focus for both human rights theory and for thinking about what constitutes development and humanitarian assistance. After reviewing the historical status of disabled persons both practically and within the international human rights system, we will examine the United Nations Convention on the Rights of Persons with Disabilities, the first human rights treaty of the twenty-first century. The CRPD has, through its near-universal ratification, dramatically raised the standards for how disability human rights are conceived, developed, implemented and adjudicated around the globe. It has also catapulted disability rights onto the development and humanitarian agenda, including state-based aid schemes and the Sustainable Development Goals (SDGs). Yet many questions remain open regarding how to make it operational around the world. We will consider what effect the CRPD has had on law reform and development (including development aid and humanitarian assistance), as well as what barriers and systemic concerns remain to be addressed. Throughout, we will look at a few specific disabilities (such as Autism) as a way of identifying themes that cross boundaries, cultures, and approaches to realizing disability rights. Your grade will be determined by a 15-20 page research paper.

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Dispute Systems Design Clinical Seminar

Course #: 2194

Term: 2022SP

Faculty: Dicker, Lisa

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component Harvard Dispute Systems Design 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: Negotiation Workshop is recommended, but not required.
By Permission: No.
Add/Drop Deadline: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

This 2-credit seminar is the required classroom component for students doing work through the Dispute Systems Design Clinic during the spring of 2022. 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.

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Dispute Systems Design Clinical Seminar

Course #: 2194

Term: 2021FA

Faculty: Parrish, Deanna

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Tue 4:30 PM - 6:30 PM

Course Description:

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

Required Clinic Component Harvard Dispute Systems Design 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: Negotiation Workshop is recommended, but not required.

By Permission: No.

Add/Drop Deadline: August 13, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

This 2-credit seminar is the required classroom component for students doing work through the Dispute Systems Design Clinic during the fall of 2021. Students will read and discuss works related to the various models for conducting conflict assessments, designing dispute systems, and advising clients. 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.

Harvard Law School Course Catalog

2021-2022 Academic Year

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Diversity and Dispute Resolution

Course #: 2929

Term: 2022WI

Faculty: Hoffman, David

Credits: 2.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 1:00 PM - 3:30 PM

Thu 1:00 PM - 3:30 PM

Fri 1:00 PM - 3:30 PM

Tue 1:00 PM - 3:30 PM

Wed 1:00 PM - 3:30 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.

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

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Drug Product Liability Litigation

Course #: 2293

Term: 2021FA

Faculty: Grossi, Peter

Credits: 2.00

Type: Elective

Subject Areas: Health Law; Procedure & Practice; Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Wed 1:45 PM - 3:45 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) (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. The final class will focus on the alternative ways vaccines and pandemic treatments are regulated and litigated.

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

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2021-2022 Academic Year

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Drug Product Liability Litigation

Course #: 2293

Term: 2021FA

Faculty: Grossi, Peter

Credits: 3.00

Type: Elective

Subject Areas: Health Law; Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Wed 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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. The final class will focus on the alternative ways vaccines and pandemic treatment drugs are regulated and litigated.

Note: There is also a two-credit version of this course. The three-credit version of the course will include all of the classes and materials in the two-credit version. In addition, the 16 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.

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Economic Analysis of Law

Course #: 2062 **Term:** 2021FA **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 1:45 PM - 3:15 PM

Tue 1:45 PM - 3:15 PM

Course Description: Prerequisites: 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 wrongdoing? 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

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Education Advocacy and Systemic Change

Course #: 2063

Term: 2021FA

Faculty: Gregory, Michael

Credits: 2.00

Type: Elective

Subject Areas: Family, Gender & Children's Law

Delivery Mode: Seminar

Days and Times:

Location

Course Description:

Students who enroll in this offering 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: Early drop of August 2, 2021.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

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

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, and 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

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Education Law Clinic: Externships

Course #: 8009

Term: 2021FA

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 offering 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: Early drop of August 2, 2021. LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT. 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, and learning disruptions caused by the COVID-19 pandemic. 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, Children's Law Center of Massachusetts, Center for Law and Education) or a government agency (such as the Massachusetts Department of Elementary and Secondary Education, Attorney General's 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 student's clinical experience and place the work they and their organization are doing in the context of a model 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.

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Education Law Clinic: Individual Representation

Course #: 8006

Term: 2021FA

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 offering 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: Early drop of August 2, 2021. 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 10, 2021 from 1:00-4:00pm.

The Education Law Clinic: Individual Representation engages students in individual client representation in special education as well as systemic change advocacy to advance the school success of children who have endured highly adverse childhood experiences. Students use the legal tools contained in the federal Individuals with Disabilities Education Act (IDEA) and related laws (including the McKinney-Vento Homeless Assistance Act, Section 504 of the Rehabilitation Act of 1972, federal Medicaid laws, and federal and state statutes regarding confidentiality, among others) to advocate for individual remedies that will enable their clients children to succeed in school. Students will utilize research from psychology, neurobiology, and education about the effects of trauma on learning to inform their representation. Depending on the posture of the cases in the clinic, students will represent clients either at the first administrative hearing level -- the IEP 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 obtaining an appropriate education, and in many cases reversing school exclusions, for individual children at school.

Though the major focus of students clinic work will be direct client representation, students will also engage in systemic advocacy that furthers the Clinic's broader mission. In recent semesters, this has included conducting legal trainings for expert evaluators and community-based mental health providers so they can assist their families to navigate the special education system at school and assert their legal rights.

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, including those traumatized by exposure to violence and other adverse childhood experiences, succeed in school. The clinics direct legal representation of individual families is a key strategy in TLPIs ongoing multi-strategic advocacy campaign to create safe and supportive school environments where all students can learn and thrive.

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Education Law Clinic: Legislative and Administrative Lawyering

Course #: 8006

Term: 2022SP

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 offering 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: Early drop of November 26, 2021. LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.

Placement Site: HLS.

The Education Law Clinic is part of the Trauma and Learning Policy Initiative (TLPI), a collaboration between HLS and Massachusetts Advocates for Children (MAC). TLPI's mission is to ensure that all students succeed in school, including those traumatized by exposure to violence and other adverse childhood experiences, including experiences of racism and other forms of structural inequality. Students in this clinic will participate directly in TLPI's ongoing multi-strategic advocacy campaign for safe and supportive schools in Massachusetts. Students will learn by doing state-level legislative and administrative lawyering work that furthers TLPI's mission, with particular attention paid to elevating the voices of students, caregivers and educators in the law- and policy-making process. Specific activities will vary depending on the semester, but have included: meeting with members of the legislature, the education bureaucracy, and their staff; organizing a legislative briefing; preparing constituents to testify before legislative and/or administrative bodies; drafting and distributing media advisories, op-eds and press releases; communicating with and rallying constituents to advocate with their lawmakers; organizing an agenda for and participating in a coalition meeting; using branding and media as strategies for effectively conveying a message; using empirical research as part of an advocacy strategy; and drafting legislation. In Spring 2021, students in the clinic launched a website called Students Speak, which showcases advocacy and actions by Massachusetts high school students, and clinic students will continue to build on this work going forward. 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 briefing materials, talking points, correspondence, communications to the media, and sometimes regulatory comments and draft legislation.

Please also note that students are required to schedule a substantial portion of their clinic office hours on Tuesdays, Wednesdays and Thursdays because these are the days the Massachusetts legislature is typically in session. Beginning in the third week of the semester, students will be required to attend a one-hour weekly team meeting each Tuesday morning from 9:00-10:00 am. Also, please be sure to consult the course description for the co-requisite seminar, Systemic Advocacy for Safe and Supportive Schools, to review the unique course schedule.

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Election Law

Course #: 2928

Term: 2022SP

Faculty: Charles, Guy-Uriel

Credits: 3.00

Type: Elective

Subject Areas: Government Structure & Function

Delivery Mode: Course

Days and Times:

Location

Mon 10:45 AM - 12:15 PM

Tue 10:45 AM - 12:15 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This is a survey course American election law. Topics include democratic theory; the structure of republican government; the sources of state and federal power to regulate the electoral system; distribution of the franchise and the right to vote; apportionment, representation and gerrymandering; racial discrimination and the Voting Rights Act; the regulation of candidacy; the party system; election administration; and campaign finance. Throughout, we will try both to discern the social and philosophical assumptions that underlie contemporary election law doctrine and to determine whether existing legal frameworks effectively institutionalize those assumptions.

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Election Law Clinic

Course #: 8053 **Term:** 2021FA **Faculty:** Greenwood, Ruth; Stephanopoulos, Nicholas **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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: Election Law Clinical Seminar (2 fall classroom credits). The clinic and course are bundled; your enrollment in the clinic will automatically enroll you in the required course.
Additional Co-/Pre-Requisites: None.
By Permission: Yes. Applications are due by July 16, 2021.
Add/Drop Deadline: August 13, 2021.
LLM Students: LLM students may apply to this clinic by submitting an application.

The Election Law Clinic offers Harvard Law students the opportunity to do hands-on litigation and advocacy work across a range of election law areas, with an initial focus on redistricting and vote suppression cases. Clinic offerings will include federal and state litigation projects, as well as some advocacy opportunities. Under the supervision of Clinical Director Ruth Greenwood, clinic students will work on every aspect of litigation, including pre-filing investigations, meeting and retaining clients, engaging in lay and expert discovery, briefing and arguing dispositive motions, pre-trial preparations and trial practice, as well as the appellate process. Election law cases rely heavily on political scientists as experts, so students will have broad exposure to emerging theories and methods in political science and how to communicate them to a legal audience. Students will also engage in one-off amicus brief work for cases of national importance. Faculty Director Nicholas Stephanopoulos will provide strategic guidance and supervision for briefing, expert discovery, and appellate work.

In addition to the regular caseload, students will work on advocacy opportunities such as drafting legislation, legislative testimony, and engaging experts in the policy advocacy process at the federal and state levels. There will also be opportunities to attend national and state coalition meetings that include lawyers, organizers, and communications experts.

Application Process: Submit a resume and short statement of interest (250 words) about why you'd like to take this clinic and which semester (fall or spring) you are applying for. Applications should be sent to Ruth Greenwood (rgreenwood@law.harvard.edu) with the subject line "ELC Application 2021-2022" by July 16, 2021.

Harvard Law School Course Catalog

2021-2022 Academic Year

May 7, 2021 3:20 PM

Election Law Clinic

Course #: 8053 **Term:** 2022SP **Faculty:** Greenwood, Ruth; Stephanopoulos, Nicholas **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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: Election Law Clinical Seminar (2 spring classroom credits). The clinic and course are bundled; your enrollment in the clinic will automatically enroll you in the required course. Additional Co-/Pre-Requisites: None. By Permission: Yes. Applications are due by July 16, 2021. Add/Drop Deadline: December 3, 2021. LLM Students: LLM students may apply to this clinic by submitting an application.

The Election Law Clinic offers Harvard Law students the opportunity to do hands-on litigation and advocacy work across a range of election law areas, with an initial focus on redistricting and vote suppression cases. Clinic offerings will include federal and state litigation projects, as well as some advocacy opportunities. Under the supervision of Clinical Director Ruth Greenwood, clinic students will work on every aspect of litigation, including pre-filing investigations, meeting and retaining clients, engaging in lay and expert discovery, briefing and arguing dispositive motions, pre-trial preparations and trial practice, as well as the appellate process. Election law cases rely heavily on political scientists as experts, so students will have broad exposure to emerging theories and methods in political science and how to communicate them to a legal audience. Students will also engage in one-off amicus brief work for cases of national importance. Faculty Director Nicholas Stephanopoulos will provide strategic guidance and supervision for briefing, expert discovery, and appellate work.

In addition to the regular caseload, students will work on advocacy opportunities such as drafting legislation, legislative testimony, and engaging experts in the policy advocacy process at the federal and state levels. There will also be opportunities to attend national and state coalition meetings that include lawyers, organizers, and communications experts.

Application Process: Submit a resume and short statement of interest (250 words) about why you'd like to take this clinic and which semester (fall or spring) you are applying for. Applications should be sent to Ruth Greenwood (rgreenwood@law.harvard.edu) with the subject line "ELC Application 2021-2022" by July 16, 2021.

Harvard Law School Course Catalog

2021-2022 Academic Year

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Election Law Clinical Seminar

Course #: 3005

Term: 2021FA

Faculty: Greenwood, Ruth

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Mon 4:30 PM - 6:30 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component: Election 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: Yes. Applications are due by July 16, 2021.
Add/Drop Deadline: August 13, 2021.
LLM Students: LLM students may apply to the clinic by submitting an application.

This seminar is for all students enrolled in the Election Law Clinic. Participants will build on their knowledge from the Election Law course by learning how to apply it in the litigation and advocacy contexts. The seminar will use examples from the voter suppression and redistricting areas to teach students how to design and litigate impact cases (from investigating and filing a complaint, through lay and expert discovery, to presenting a case at trial and writing appellate briefs). The seminar will also teach students how to draft and advocate for and against voting rights legislation at the local, state, and national levels.

Please see the Election Law Clinic course description for additional information.

Harvard Law School Course Catalog

2021-2022 Academic Year

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Election Law Clinical Seminar

Course #: 3005 **Term:** 2022SP **Faculty:** Greenwood, Ruth **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component: Election 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: Yes. Applications are due by July 16, 2021. Add/Drop Deadline: December 3, 2021. LLM Students: LLM students may apply to the clinic by submitting an application.

This seminar is for all students enrolled in the Election Law Clinic. Participants will build on their knowledge from the Election Law course by learning how to apply it in the litigation and advocacy contexts. The seminar will use examples from the voter suppression and redistricting areas to teach students how to design and litigate impact cases (from investigating and filing a complaint, through lay and expert discovery, to presenting a case at trial and writing appellate briefs). The seminar will also teach students how to draft and advocate for and against voting rights legislation at the local, state, and national levels.

Please see the Election Law Clinic course description for additional information.

Harvard Law School Course Catalog

2021-2022 Academic Year

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Empirical Law and Finance

Course #: 2253 **Term:** 2021FA **Faculty:** Cohen, Alma; Bebchuk, Lucian **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 4:30 PM - 6:30 PM

Course Description: Prerequisites: None
Exam Type: No Exam
Empirical tools have been increasingly used in litigation, regulation, and policymaking in corporate law, corporate governance, and securities regulation fields. This course will aim to expose students to, and enable them to engage with, empirical work in these fields. To this end, sessions of this course will feature professors from law schools and business schools who will present and discuss their empirical research with the students.
The course will meet for six Monday sessions, which will be concentrated during the first two months of the semester.
There will be no exam. Instead, students will be asked to submit, before most sessions, a brief memo on the research to be discussed in the session, and grades will be based primarily on these memos. Students who wish to do so may choose to do an additional one- or two-credit independent research project in conjunction with the course.

Some background or interest in corporate law, economics, finance, or empirical methods will be helpful, but no technical knowledge in these areas will be necessary. Students who have questions regarding whether the course would be suitable for them should feel free to contact the instructor.

Harvard Law School Course Catalog

2021-2022 Academic Year

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Employment Discrimination

Course #: 2068

Term: 2022SP

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 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

Course Description: Prerequisite: None

Exam Type Any 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.

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2021-2022 Academic Year

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Employment Law

Course #: 2069

Term: 2021FA

Faculty: Sachs, Benjamin

Credits: 4.00

Type: Elective

Subject Areas: Employment & Labor Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

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

2021-2022 Academic Year

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Employment Law Clinic

Course #: 8012 **Term:** 2021FA **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 offering 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 13, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
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 Lawyers for Civil Rights; 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.

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Employment Law Clinic

Course #: 8012 **Term:** 2022SP **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 offering 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: December 3, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
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 Lawyers for Civil Rights; 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

2021-2022 Academic Year

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Employment Law Workshop: Advocacy Skills

Course #: 2070

Term: 2021FA

Faculty: Churchill, Steve

Credits: 2.00

Type: Elective

Subject Areas: Employment & Labor Law; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Tue 7:15 PM - 9:15 PM

Course Description:

Students who enroll in this offering 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 13, 2021.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

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

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

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2021-2022 Academic Year

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Employment Law Workshop: Strategies for Social Change

Course #: 2071

Term: 2022SP

Faculty: Churchill, Steve

Credits: 2.00

Type: Elective

Subject Areas: Employment & Labor Law; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Thu 6:30 PM - 8:30 PM

Course Description:

Students who enroll in this offering 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: December 3, 2021.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

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

2021-2022 Academic Year

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Engaging China

Course #: 2650 **Term:** 2021FA **Faculty:** Alford, William **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 7:15 PM - 9:15 PM

Course Description: Prerequisites: None

Exam Type: No Exam

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 three 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. Each session will cover a specific topic. In past years topics have included trade, law and development, legal education, the legal profession, corporate social responsibility, corporate governance, the Foreign Corrupt Practices Act, rights (through the prism of disability), climate change and the roles of the US and China in Africa - with the precise configuration from among these to be determined closer to the start of the semester. We have each year done with a mock negotiation jointly with students from Renmin University School of Law and hope to do so again in AY 21-22.

Note: This course will meet twice each month. Please note that after November 7th, we will need to meet from 8:15-10:15pm to accommodate our counterparts at Renmin (who will be joining us at 8:15-10:15am their time). Please direct any questions to Professor Alford.

Harvard Law School Course Catalog

2021-2022 Academic Year

May 7, 2021 3:20 PM

Entrepreneurship and Company Creation

Course #: 2073

Term: 2022SP

Faculty: Hornik, David

Credits: 1.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Mon 10:45 AM - 12:45 PM

Tue 10:45 AM - 12:45 PM

Wed 10:45 AM - 12:45 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: TBD.

Harvard Law School Course Catalog

2021-2022 Academic Year

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Environmental Law

Course #: 2074

Term: 2021FA

Faculty: Lazarus, Richard

Credits: 4.00

Type: Elective

Subject Areas: Environmental Law; Procedure & Practice; Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

Course Description: Prerequisites: None

Exam Type: In Class

This course surveys federal environmental law and serves as a useful introduction both to environmental law's particular complexities as well as to the skills necessary in mastering any complex area of regulation. The first part of the course considers the character of environmental disputes, the problems inherent in fashioning legal rules for their resolution, the history of the emergence of modern environmental law in the United States, and constitutional law issues that arise in the environmental law context. The second part of the course reviews several specific federal environmental statutes. The statutory review combines a close examination of several statutes — especially the Clean Air Act and Clean Water Act — with a more general review of the basic operation of other laws, such as the National Environmental Policy Act and the Comprehensive Environmental Response, Compensation, and Liability Act. All the statutes serve as illustrations of different regulatory approaches to environmental problems: "command and control," information disclosure, and market-based instruments. The class includes more extended consideration of climate change law and how and why environmental law is routinely whipsawed by shifting Presidential administrations, and class discussion frequently extends beyond court rulings to include the underlying litigation strategies of the parties that led to those rulings.

Cross-registrants not eligible to enroll.

Harvard Law School Course Catalog

2021-2022 Academic Year

May 7, 2021 3:20 PM

Environmental Law after the Trump Administration and in the Biden Administration

Course #: 2662 **Term:** 2022SP **Faculty:** Lazarus, Richard **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 7:15 PM - 9:15 PM

Course Description: In the fall of 2019, I offered a seminar “Environmental Law During and after the Trump Administration.” This spring I will offer its sequel “Environmental Law in the Biden and After the Trump Administration.” The Fall 2019 seminar explored the numerous ways that the Trump Administration was seeking to reverse and repeal the environmental protection policies of prior administrations, especially the Obama Administration, and the likely longer term effect of the Trump Administration’s policies. The Spring 2022 seminar will explore the Biden Administration’s efforts in turn to reverse and repeal the Trump Administration’s environmental protection policies. Students will have several options for satisfying the writing requirement for the seminar. They can submit five shorter reaction papers on topics covered by any five of the weekly seminar meetings, two discussion papers on topics related to the seminar’s coverage, or one longer paper. Neither Environmental Law nor Natural Resources Law is a prerequisite for taking this seminar. The seminar naturally builds upon those survey classes but is taught in a manner that is easily accessible to students who have not taken either of those cases.

Harvard Law School Course Catalog

2021-2022 Academic Year

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Environmental Law and Policy Clinic

Course #: 8008 **Term:** 2022SP **Faculty:** Goho, Shaun; Joroff, Aladdine **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 offering 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: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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 at Harvard Law School offers students the opportunity to practice environmental law through work on a variety of litigation, administrative, legislative, and policy projects. The Clinic works with scientists, medical professionals, nonprofit and public interest organizations, and government clients on environmental and energy issues at the federal, state, and local level. The work includes writing briefs and comment letters, drafting climate change mitigation and adaptation regulations and policies for municipalities, preparing guidance documents and manuals for non-lawyers, drafting model legislation, and preparing policy papers. The Clinic develops novel strategies to address thorny environmental problems; investigates new cases; works with scientific, economic, and policy experts to help them present their views about the impacts of legal reforms; advises citizen scientists; and convenes meetings of policy-makers and regulators.

Harvard Law School Course Catalog

2021-2022 Academic Year

May 7, 2021 3:20 PM

Environmental Law and Policy Clinic

Course #: 8008 **Term:** 2022WI **Faculty:** Goho, Shaun; Joroff, Aladdine **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 offering 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 Acting Director Shaun Goho (sgoho@law.harvard.edu) and Jacqueline Calahong (jcalahong@law.harvard.edu) by October 31, 2021.
Add/Drop Deadline: November 13, 2021.
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 at Harvard Law School offers students the opportunity to practice environmental law through work on a variety of litigation, administrative, legislative, and policy projects. The Clinic works with scientists, medical professionals, nonprofit and public interest organizations, and government clients on environmental and energy issues at the federal, state, and local level. The work includes writing briefs and comment letters, drafting climate change mitigation and adaptation regulations and policies for municipalities, preparing guidance documents and manuals for non-lawyers, drafting model legislation, and preparing policy papers. The Clinic develops novel strategies to address thorny environmental problems; investigates new cases; works with scientific, economic, and policy experts to help them present their views about the impacts of legal reforms; advises citizen scientists; and convenes meetings of policy-makers and regulators.
This winter term clinic is limited to 10 students and is by application only.

Harvard Law School Course Catalog

2021-2022 Academic Year

May 7, 2021 3:20 PM

Environmental Law and Policy Clinic

Course #: 8008 **Term:** 2021FA **Faculty:** Goho, Shaun; Joroff, Aladdine **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 offering 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: August 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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 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 at Harvard Law School offers students the opportunity to practice environmental law through work on a variety of litigation, administrative, legislative, and policy projects. The Clinic works with scientists, medical professionals, nonprofit and public interest organizations, and government clients on environmental and energy issues at the federal, state, and local level. The work includes writing briefs and comment letters, drafting climate change mitigation and adaptation regulations and policies for municipalities, preparing guidance documents and manuals for non-lawyers, drafting model legislation, and preparing policy papers. The Clinic develops novel strategies to address thorny environmental problems; investigates new cases; works with scientific, economic, and policy experts to help them present their views about the impacts of legal reforms; advises citizen scientists; and convenes meetings of policy-makers and regulators.

Harvard Law School Course Catalog

2021-2022 Academic Year

May 7, 2021 3:20 PM

Environmental Law and Policy Clinical Course

Course #: 2842 **Term:** 2021FA **Faculty:** Goho, Shaun **Credits:** 1.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Students who enroll in this offering 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: August 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

This course teaches practical skills, knowledge, and strategies for practicing environmental law. To supplement your experience in the Emmett Environmental Law & Policy Clinic, the class examines and works through several of the legal and practical issues involved in enforcing the federal environmental laws through citizen suits. You will practice skills such as: parsing and applying relevant statutes, regulations, and case law; identifying procedural pathways and strategies for successful judicial challenges to harmful actions; engaging in effective fact gathering; and drafting key documents in a citizen suit (60-day notice letter, standing declarations, and summary judgment briefs). The course is practical, hands-on, and participatory. You will develop and apply skills through class discussions, in-class and written exercises, and peer review.

Harvard Law School Course Catalog

2021-2022 Academic Year

May 7, 2021 3:20 PM

Environmental Law and Policy Clinical Course

Course #: 2842 **Term:** 2022SP **Faculty:** Joroff, Aladdine **Credits:** 1.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Students who enroll in this offering 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: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

This course teaches practical skills, knowledge, and strategies for practicing environmental law. To supplement your experience in the Emmett Environmental Law & Policy Clinic, the class examines and works through several of the legal, policy and practical issues involved in cleaning up contaminated sites. You will learn about how the responsibility for historic and new contamination is currently divided between public and private parties and examine tools that help buyers and sellers manage environmental risks in transactions. The class will then explore some of the potential equitable implications of these systems and brainstorm what alternative approaches might entail. You will practice skills such as: parsing and applying relevant statutes and environmental standards; identifying indicators and scope of environmental contamination; allocating risks via contracts and insurance; and advising public and private sector clients. The course is practical, hands-on, and participatory. You will develop and apply skills through class discussions, in-class and written exercises, and peer review.

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Environmental Law and Policy Clinical Course

Course #: 2842 **Term:** 2022WI **Faculty:** Goho, Shaun; Joroff, Aladdine **Credits:** 1.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 5:00 PM - 6:05 PM

Fri 5:00 PM - 6:05 PM

Mon 5:00 PM - 6:05 PM

Tue 5:00 PM - 6:05 PM

Wed 5:00 PM - 6:05 PM

Course Description: Students who enroll in this offering 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: Yes. Applications should include a resume and one-page statement of interest. Applications should be sent directly to Clinic Acting Director Shaun Goho (sgoho@law.harvard.edu) and Jacqueline Calahong (jcalahong@law.harvard.edu) by October 31, 2021.
Add/Drop Deadline: November 12, 2021.
LLM Students: LLM students may apply to this clinic by submitting an application.
In this clinical course students will participate actively in a variety of classroom instruction activities designed to focus on substantive and administrative/procedural law, ethical issues, practice skills and the clinical experience generally.

Equity

Course #: 3097 **Term:** 2022SP **Faculty:** Smith, Henry **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

Course Description: Exam Type: In Class

This course is an introduction to the element of equity in American law. The course will cover the sources of equitable jurisdiction, equitable principles and doctrines in public and private law, equitable defenses, and equitable remedies. The course will focus on the idea of equity and its relation to fairness and justice, as well as how distinct equity is – and should be – within the legal system after the merger of law and equity.

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ERISA

Course #: 2659 **Term:** 2022SP **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**

Mon 1:45 PM - 3:45 PM

Course Description: Prerequisites: Familiarity with one or more of: trusts & estates, federal income tax, corporations - is recommended but not required.

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 with 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. Our primary context will be retirement plans - including traditional pension plans, 401(k)s and IRAs, and those responsible for funding and stewardship of the trillions of dollars underwriting our private retirement systems.

Estate Planning

Course #: 2592 **Term:** 2022SP **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**

Wed 4:30 PM - 6:30 PM

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

Exam Type: No Exam

Grading will be based upon practice exercises and class participation.

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.

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EU Tech Regulation

Course #: 3088 **Term:** 2022SP **Faculty:** Bradford, Anu **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Thu 4:00 PM - 6:00 PM

Course Description: Prerequisites None
Exam Type: No Exam
The European Union has been at the forefront of regulating the digital economy, leveraging its antitrust laws against big tech companies such as Google and Amazon. The EU is also the world's leading regulator of personal privacy through the GDPR that has become a global benchmark for the companies worldwide. The EU's latest regulatory proposals-Digital Markets Act and Digital Services Act-are the next regulatory frontier that will shape the technology industry in the EU, the US and beyond. This reading group will introduce the participants to the EU's key regulations affecting the tech industry, as well as to the broader regulatory philosophy underlying those regulations. We will also compare the EUs regulatory agenda to that pursued by other leading economies such as the US and China.
Note: This reading group will meet on the following dates: TBD

Evidence

Course #: 2079 **Term:** 2022SP **Faculty:** Rubin, Peter **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:45 PM

Course Description: Prerequisite: None

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.

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.

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Evidence

Course #: 2079 **Term:** 2021FA **Faculty:** Schulman, Emily **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 8:00 AM - 10:00 AM

Tue 8:00 AM - 10:00 AM

Course Description: Prerequisites: 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.

Evidence

Course #: 2079 **Term:** 2021FA **Faculty:** Clary, Richard **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:15 PM

Thu 1:45 PM - 3:15 PM

Course Description: Prerequisite: None

Exam Type: In Class

This course will study the basic rules and principles of American evidence law, focusing on the Federal Rules of Evidence and cases interpreting them. Topics to be covered will include: relevance, irrelevance, and unfair prejudice; the hearsay rule and its exemptions and exceptions; character and propensity evidence; forbidden inferences; impeachment and rehabilitation; lay and expert opinions; privileges; authentication; the best evidence rule; and some of the constitutional questions under the Confrontation Clause and Due Process Clause that arise in connection with evidence. We will also look at related practical aspects of trial, such as referencing evidence in opening statements, conducting direct, cross and re-direct examinations, and making and responding to objections.

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Evidence

Course #: 2079 **Term:** 2021FA **Faculty:** Rubin, Peter **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:45 PM

Course Description: Prerequisites: 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:** 2021FA **Faculty:** Lvovsky, Anna **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:05 PM

Tue 10:45 AM - 12:05 PM

Wed 10:45 AM - 12:05 PM

Course Description: Prerequisite: None

Exam Type: In-Class

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

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Evidence

Course #: 2079

Term: 2022SP

Faculty: Lvovsky, Anna

Credits: 4.00

Type: Multisection

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 10:45 AM - 12:05 PM

Tue 10:45 AM - 12:05 PM

Wed 10:45 AM - 12:05 PM

Course Description: Prerequisites: None

Exam Type: In-Class

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

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Facilitation Workshop: Leading Challenging Conversations in Business, Politics, and the Community

Course #: 2591 **Term:** 2022SP **Faculty:** Viscomi, Rachel; Franklin, Morgan **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:45 PM

Thu 1:45 PM - 3:45 PM

Course Description: Prerequisites: Negotiation Workshop. Attendance at all sessions is mandatory in order to accommodate various group exercises and simulations.

Exam Type: No Exam

Lawyers facilitate. We routinely handle matters that require us to lead groups of people to work together in order to solve problems, reach decisions, and resolve conflicts. We collaborate with clients and colleagues to develop legal strategies, negotiate complex deals, build consensus on policy proposals, and coordinate with colleagues around duties and responsibilities. We may work with community stakeholders, family members, or local officials to increase understanding, resolve a dilemma, or re-build trust. And facilitation is not limited to legal practice - entrepreneurs, consultants, public officials, for-profit and non-profit executives alike facilitate. Yet despite how integral this work is to the modern workplace, few lawyers or other professionals receive training in how to organize, run, and effectively facilitate gatherings of people - especially when there are strong emotions involved.

This 4-credit workshop introduces students to the theory and practice of facilitation, both in traditional legal as well as non-legal contexts. It provides opportunities for students to develop the skills necessary to run effective meetings, work with people in conflict, lead group problem-solving efforts, and more. Like the Law Schools Negotiation Workshop, this Workshop will integrate intellectual and experiential learning by combining readings, lectures, and discussions with frequent exercises, extensive review, live and filmed examples, individual and small group reviews, and careful analysis of the facilitation process and the process of learning from experience. In addition to traditional facilitation skills, we will explore thorny questions of power, inclusion, emotions, and identity.

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Facts and Lies

Course #: 2861

Term: 2022SP

Faculty: Saris, Patti

Credits: 2.00

Type: Elective

Subject Areas: Criminal Law & Procedure; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam

The seminar will explore different kinds of facts, including historic facts, scientific facts, legislative facts, constitutional facts, mixed questions of fact and law; and reasonable inferences. We will ask who should resolve factual disputes: judges or juries? How are different burdens of proof and presumptions used as aids to resolve fact disputes? How should we evaluate video evidence? How are different appellate standards applied? How do courts evaluate fact-finding by administrative agencies? How are facts presented in amicus briefs? How do institutional concerns determine who the fact finders are?

The course will also examine lies in court. How are the rules of evidence designed to determine when people lie? How do the laws punish lies? What devices are used at trial to determine explicit and implicit bias? How do limitations in memory of a witness affect credibility?

Facts and lies have outcome-determinate effects in many cases. Doctrines that determine factfinders, burdens of proof, and other topics covered in the seminar are not only theoretically interesting -- they're practically important for effective litigators to master, and they shape the chances that litigants have at succeeding on the merits.

I hope not only to study legal doctrines but also to give students practical litigation experience by hosting speakers, inviting students to an oral argument in federal court, and providing opportunities for legal writing (like memoranda on a motion to dismiss, a summary judgment motion and a judicial opinion). I will give extensive input on the writing. Occasional two-page response papers will be required.

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Fair Trial

Course #: 2312 **Term:** 2021FA **Faculty:** Nesson, Charles **Credits:** 3.00

Type: Elective **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Government Structure & Function; Human Rights; Legal & Political Theory; Legal History; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

Delivery Mode: Course

Days and Times: **Location**

Mon 8:00 AM - 9:30 AM

Tue 8:00 AM - 9:30 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.
This is a course about Jury as key to Sixth Amendment guarantees to persons accused of crimes. We will examine the rationale behind the rights enshrined in the Sixth Amendment and explore why the guarantee of jury trial was so important to the founding generation. What motivated the amendment's ratification? What evils did its drafters intend it to meet?
We will study the subsequent interpretation of the Sixth Amendment and explore whether or not its rights as presently afforded to criminal defendants comport with constitutional aspiration.
We address change. Are we as a class able to model fair jury trial? What is an "impartial jury" in a world of power imbalances, structural inequities, and implicit biases?
Enjoy before we meet: My Cousin Vinny; Twelve Angry Men; and The Black Panthers: Vanguard of the Revolution. Class will begin with a discussion of liberty, privacy, nymity, freedom of thought and expression, and a welcome to threads.
Limit of 50 students.

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Family Law

Course #: 2084

Term: 2022SP

Faculty: Halley, Janet

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 10:45 AM - 12:15 PM

Tue 10:45 AM - 12:15 PM

Course Description: Prerequisites: None

Exam Type: No Exam

We will study the increasingly complex "marriage system," in which new forms of adult relationship join marriage in the legal order; the rules making marriage a significant distributive institution both in the larger political economy and amongst family members; and the role of criminal law and administrative law in governing conflict among family members. We will study the role of constitutional law in shaping the family and making family-law and sexual-liberty issues controversial in the polity. Throughout we will compare marriage with its alternatives and with informal relationships, and will seek to understand how the family law system complements market labor and public welfare provision in distributing social welfare. Students will engage in a divorce negotiation exercise involving short writing assignments. Writing assignments analyzing course readings distributed through the Discussion capacity of Canvas will constitute the remainder of the courses writing requirements. Feedback will be provided and revisions encouraged.

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Family Law of Poor Families

Course #: 2648

Term: 2022SP

Faculty: Halley, Janet

Credits: 2.00

Type: Elective

Subject Areas: Family, Gender & Children's Law

Delivery Mode: Seminar

Days and Times:

Location

Mon 4:30 PM - 6:30 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.

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Federal Budget Policy

Course #: 2566

Term: 2022WI

Faculty: Jackson, Howell

Credits: 2.00

Type: Elective

Subject Areas: Government Structure & Function; Regulatory Law; Taxation

Delivery Mode: Course

Days and Times:

Location

Mon 9:00 AM - 12:00 PM

Tue 9:00 AM - 12:00 PM

Wed 9:00 AM - 12:00 PM

Thu 9:00 AM - 12:00 PM

Fri 9:00 AM - 12:00 PM

Course Description: Prerequisites: 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 may be team reaction papers, as well as a somewhat longer paper addressing an issue of current policy debate after the last class.

The goal of this course is to introduce students to the law and practice of government budgeting in the United States. We will begin with 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. We will also examine current debates over deficits and public debt levels. 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.

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 will meet for the first two weeks of the winter term from January 4 to January 14, 2022.

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Federal Courts and the Federal System

Course #: 2086 **Term:** 2022SP **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**

Wed 1:45 PM - 3:30 PM

Thu 1:45 PM - 3:30 PM

Fri 1:45 PM - 3:30 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.

Federal Courts and the Federal System

Course #: 2086 **Term:** 2022SP **Faculty:** Goldsmith, Jack **Credits:** 5.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:25 PM

Tue 10:45 AM - 12:25 PM

Wed 10:45 AM - 12:25 PM

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

Exam Type: One-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.

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Federal Courts and the Federal System

Course #: 2086 **Term:** 2021FA **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 10:45 AM - 12:25 PM

Tue 10:45 AM - 12:25 PM

Wed 10:45 AM - 12:25 PM

Course Description: Prerequisites: For JD students, this course is open to those who have taken, or are concurrently taking, one of the basic courses in Constitutional Law: 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.

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Federal Courts Clinic

Course #: 8056 **Term:** 2022WS **Faculty:** Zimmer, David **Credits:** 5.00
Type: Clinic **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Procedure & Practice
Delivery Mode: Clinic
Days and Times: **Location**

Course Description: Students who enroll in this offering 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 Courts Clinical Seminar (1 spring classroom credit). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: November 12, 2021.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Multi-Semester: This is a winter-spring clinic (2 winter clinical credits + 2-3 spring clinical credits).

Placement Site: Various externship placements.

The Federal Courts Clinic allows students to work with federal judges throughout the country and at different levels of the judicial system to gain a greater insight into the workings of the federal judiciary. Students in the clinic will spend winter term on-site working in the Chambers of a federal judge, and then continue their work remotely in the spring semester.

Most students will likely work in the Chambers of either a court of appeals or district court judge, but some students may also work for federal bankruptcy or magistrate judges. Students' specific assignments will vary according to the needs of their judge, but will likely include drafting bench memos, assisting with preparations for trials, hearings and arguments, and other work related to cases before the court.

The Clinic will be directed by David Zimmer, a Partner in the Supreme Court and Appellate practice at Goodwin Procter, who clerked at both the U.S. Supreme Court and the Ninth Circuit Court of Appeals, and who has significant experience practicing before all levels of the federal courts. Mr. Zimmer will also teach the Federal Courts Clinical Seminar, in which students in the clinic will have the opportunity to discuss and analyze their experiences to gain greater insight into the broader work of the federal judiciary.

Once enrolled in the clinic, students will meet with the clinic director and then begin the process of applying to potential judicial placements. The required clinical seminar component will meet in the spring term only.

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Federal Courts Clinical Seminar

Course #: 3066

Term: 2022SP

Faculty: Zimmer, David

Credits: 1.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Tue 2:00 PM - 3:00 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component: Federal Courts Clinic (2 winter clinical credits + 2-3 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: November 12, 2021.LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

This Clinical Seminar accompanies the Federal Courts Clinic. Students in the clinic will spend winter term on-site working in the Chambers of a federal judge, and then continue their work remotely in the spring semester.

in the Chambers of a federal judge - usually a court of appeals or district court judge, but also potentially a bankruptcy or magistrate judge.

In the Clinical Seminar, students will share and analyze their experiences in Chambers (to the extent consistent with confidentiality requirements), with the goal of gaining a fuller understanding of overall functioning of the federal courts and the different roles that judges play at different levels in the federal judicial system (as well as the different views different judges have concerning those roles). Students will also discuss the role that clerks/externs do/should play, and other topics concerning the federal judicial system that are raised by the students work.

The Clinical Seminar will be taught (and the Clinic directed) by David Zimmer, a Partner in the Supreme Court and Appellate practice at Goodwin Procter, who clerked at both the U.S. Supreme Court and the Ninth Circuit Court of Appeals, and who has significant experience practicing before all levels of the federal courts.

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Federal Tax Clinic

Course #: 8045 **Term:** 2021FA **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 offering 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 13, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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 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. The Clinic regularly argues cases in the Federal Circuit Courts. In addition to direct client representation on impact cases the clinic also files amicus briefs in the Federal Circuit Courts and the Supreme Court as well as filing responses to proposed regulations and rulings with the IRS.

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

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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.

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Federal Tax Clinic

Course #: 8045 **Term:** 2022SP **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 offering 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: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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.

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The Clinic also seeks to give students the opportunity to work on matters of broader impact in the low income taxpayer community. The Clinic regularly argues cases in the Federal Circuit Courts, submits amicus briefs to the Circuit Courts and the Supreme Court and submits comments on regulations and rulings to the IRS.

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

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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:** 2022SP **Faculty:** Fogg, Keith **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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.

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Federal Tax Clinical Seminar

Course #: 2822

Term: 2021FA

Faculty: Fogg, Keith

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice; Taxation

Delivery Mode: Seminar

Days and Times:

Location

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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 13, 2021. LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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.

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Federalism and States as Public Law Actors

Course #: 2310 **Term:** 2021FA **Faculty:** Halligan, Caitlin **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:45 PM - 3:45 PM

Course Description: Prerequisites: Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment
Exam Type: No Exam. Grading will be based on class participation, including leading discussion in 3 classes over the course of the semester, and one 12-15 page paper.
In recent years, states have become vital agents in shaping public law across the political spectrum and often pursue litigation to advance their policy priorities. Examples include challenges to immigration and environmental policies of both Republican and Democratic administrations; litigation regarding same-sex marriage; and the use of state securities and consumer protection laws to advance agendas that diverge from federal regulatory priorities, including privacy protections and antitrust enforcement against tech companies. This advanced litigation seminar will critically examine this practice. We will study relevant statutes and legal doctrines, as well as political and practical concerns that shape litigation options and strategic and tactical decisions by states in this arena. In addition to case law and scholarship, students will read briefs, complaints, and other court filings in recent and pending litigation around the country, and discuss these issues with guest speakers from various State Attorney General offices.

Feminist Legal Theory

Course #: 2301 **Term:** 2021FA **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 10:45 AM - 12:15 PM

Tue 10:45 AM - 12:15 PM

Course Description: Prerequisites: None
Exam Type: No Exam Students will write response papers analyzing the reading materials. The professor will provide feedback and revision will be encouraged.
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. The goal of this course is to enable each student to make informed decisions about which strands of feminist legal theory work best for them and to give all students a strong understanding of how past stages in the development of feminist legal theory and law reform help to shape contemporary expressions of feminism and feminist approaches to law.

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Flashpoints in LGBTQ Litigation

Course #: 2494

Term: 2021FA

Faculty: Bonauto, Mary

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Thu 6:30 PM - 8:30 PM

Course Description:

Prerequisites: None

Exam: No Exam

This reading group addresses substantive and strategic issues affecting efforts to secure legal equality and substantive equity for LGBTQ people in the U.S. and in our multiple identities. The materials will include but are not limited to cases, statutes, policy papers, public education initiatives, and will address both proponents and opponents. Among the topics to be addressed: (1) historical context, assessment of what has and has not been achieved, who decides on the "agenda" setting with examples of past and current contestation; (2) liberty, including autonomy around sexuality and family formation + key family law developments and how they affect nearly everything; (3) nationalizing a non-discrimination law and equity in using it, using Bostock and preventing erosion, & the equity challenges; (4) affirming all LGBTQI+ youth, using trans and nonbinary youth as a wedge, including schooling more broadly; (5) offensive and defensive First Amendment issues (religious exemption/free exercise + speech issues), as playing out in the Congress (the Equality Act (HR 5) and alternatives) and the courts.

Note: This reading group will meet every other week in the evening. The schedule is forthcoming.

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Food and Drug Law

Course #: 2091 **Term:** 2022WI **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. A paper is required.

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.

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Food Law and Policy

Course #: 2359 **Term:** 2021FA **Faculty:** Broad Leib, Emily **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:45 PM - 3:45 PM

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

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 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 be. 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 22 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 claim a clinical seat in this course will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student in a clinical seat 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 13, 2021 for fall clinical students in this course

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Food Law and Policy

Course #: 2359

Term: 2022SP

Faculty: Broad Leib, Emily

Credits: 2.00

Type: Elective

Subject Areas: Environmental Law; Health Law; Regulatory Law

Delivery Mode: Seminar

Days and Times:

Location

Tue 1:45 PM - 3:45 PM

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

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.

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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 22 students and it is open to LLM students by permission.

Some seats are reserved for students in the spring Food Law and Policy clinic. Students who claim a clinical seat in this course will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a

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student in a clinical seat drops the 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 December 3, 2021 for spring clinical students in this course.

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

Course #: 8038 **Term:** 2022SP **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 offering 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: December 3, 2021. LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

Placement Site: HLS.

The Food Law and Policy Clinic of Harvard Law School (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. 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.

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 to: comment on major federal regulations, such as the Food and Drug Administration rules impacting food safety on the farm; identify and promote creative policies to reduce the 40% of food that goes to waste in the U.S.; train and empower food policy councils and other community coalitions to achieve their food system goals; and research and recommend policies increasing access to healthy food at all levels of government.

Students 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 rulemaking or enforcement actions; conduct interviews and fact-finding; and prepare and train communities about civic engagement, the food system, and policy change. Clinic clients are located around the United States and the globe, and some students may have the opportunity to travel.

For more information about the clinic, please email Professor Broad Leib at ebroad@law.harvard.edu or visit our clinic at 1607 Massachusetts Avenue, 4th floor.

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

Course #: 8038

Term: 2021FA

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 offering 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 13, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

Placement Site: HLS.

The Food Law and Policy Clinic of Harvard Law School (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. 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. 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 to: comment on major federal regulations, such as the Food and Drug Administration rules impacting food safety on the farm; identify and promote creative policies to reduce the 40% of food that goes to waste in the U.S.; train and empower food policy councils and other community coalitions to achieve their food system goals; and research and recommend policies increasing access to healthy food at all levels of government.

Students 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 rulemaking or enforcement actions; conduct interviews and fact-finding; and prepare and train communities about civic engagement, the food system, and policy change. Clinic clients are located around the United States and the globe, and some students may have the opportunity to travel.

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Foundations of International Arbitration: Theory and Practice

Course #: 2973

Term: 2021FA

Faculty: Sobota, Luke; Carlson, Hugh

Credits: 2.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

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

Prerequisites: None

Exam Type: No Exam

Through a combination of lectures and in-class simulations, this course will (i) provide an overview of the foundational aspects that arise in the life cycle of an international arbitration; (ii) offer training in advocacy principles and techniques; and (iii) provide significant advocacy experience for students through in-class simulations. Course lectures and simulations will extend to both international commercial arbitration and investment arbitration.

Students will be graded on in-class participation, simulation performances, and advocacy outlines. There will be no final exam.

Students will have the option of enrolling in Independent Writing credit for an additional scholarly paper.

Note: This course will meet in the first half of the semester, from 9/7-10/19/2021.

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Foundations of International Arbitration: Theory and Practice

Course #: 2973 **Term:** 2022SP **Faculty:** Sobota, Luke; Carlson, Hugh **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:45 PM

Tue 10:45 AM - 12:45 PM

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

Prerequisites: None

Exam Type: No Exam

Through a combination of lectures and in-class simulations, this course will (i) provide an overview of the foundational aspects that arise in the life cycle of an international arbitration; (ii) offer training in advocacy principles and techniques; and (iii) provide significant advocacy experience for students through in-class simulations. Course lectures and simulations will extend to both international commercial arbitration and investment arbitration.

Students will be graded on in-class participation, simulation performances, and advocacy outlines. There will be no final exam.

Students will have the option of enrolling in Independent Writing credit for an additional scholarly paper.

Note: This course will meet in the second half of the semester, from 3/7-4/19/22.

Framing, Narrative, and Supreme Court Jurisprudence

Course #: 3011 **Term:** 2022SP **Faculty:** Jenkins, Alan **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 7:15 PM - 9:15 PM

Course Description: Prerequisites: None

Exam Type: No Exam

In this seminar we will examine the ways in which the rhetorical and communications principles of framing and narrative inform U.S. Supreme Court jurisprudence and advocacy. Analyzing opinions, briefs, and oral arguments, as well as legal and social science scholarship, we will consider how different approaches to legal storytelling can lead to differing judicial outcomes. And we will discuss the implications of our findings for the development and integrity of the law.

Class participation and successful completion of written and oral assignments will count for a significant portion of students final grade. Assigned material will include cases, legislation, legal scholarship, social science literature, and mass media works.

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From Nuremberg to The Hague-- Law, The Individual and the Group

Course #: 2117

Term: 2022SP

Faculty: Sands, Philippe

Credits: 2.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Tue 10:45 AM - 12:45 PM

Wed 10:45 AM - 12:45 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This course will explore the origins of modern international criminal law and looks at their impact on current directions. It takes the trial of Nazi leaders at the International Military Tribunal in Nuremberg - with a particular focus on genocide (protection of groups) and crimes against humanity (protection of individuals) - to explore the impact in the 1990s, when the international criminal law project was "re-born" with the creation of the ad-hoc international criminal tribunals and then the International Criminal Court. The course examines how law is created, interpreted and represented, and shapes our understanding of events over time and among different communities, and through different disciplines and mediums. Using Professor Sands book East West Street as a core text, we will consider the role of individuals and how the precedent of Nuremberg 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 has shaped subsequent developments, from the Yugoslav and Rwanda Tribunals, to the International Criminal Court, and proceedings in domestic courts, such as Pinochet.

The course will thus be a study of law itself, how it operates in the world, and of the origins of international criminal law.

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From Protest to Law: Triumphs and Defeats in Struggles for Racial Justice, 1950-1970

Course #: 2697 **Term:** 2021FA **Faculty:** Kennedy, Randall **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 10:45 AM - 12:15 PM

Wed 10:45 AM - 12:15 PM

Course Description: Prerequisite: None
Exam Type: No Exam The requirement for the course are five six to eight page papers that react to readings and lectures.
This course will examine changes in law wrought by protests against racial injustice that erupted in the mid twentieth century. The principal topics will include disputes over segregation (see, e.g. Brown v. Board of Education and Loving v. Virginia), invidious private racial discrimination (see, e.g. the Civil Rights Acts of 1964 and 1968), and racial disfranchisement (see e.g. the Voting Rights Act of 1965). Considerable attention will be focused on lawyers and judges who played key roles in the drama of the Second Reconstruction.

From Torah to Mitzvos

Course #: 3086 **Term:** 2022SP **Faculty:** Boyarin, Daniel **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 10:45 AM - 12:15 PM

Wed 10:45 AM - 12:15 PM

Course Description: Prerequisites: None
Exam Type Any Day Take Home
In this course we will be comparing the conceptions of Torah and so-called "Jewish law" in Josephus, the Dead Sea Scrolls, and the Mishna. Much of the focus will be textually oriented. Note: This offering is cross-listed with FAS.

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Gender Identity, Sexual Orientation, and the Law

Course #: 2467

Term: 2021FA

Faculty: Chen, Alexander

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 1:45 PM - 3:15 PM

Tue 1:45 PM - 3:15 PM

Course Description:

Prerequisites: None

Exam Type: Any Day Take-home

This course explores the ways in which the law intersects with gender identity and sexual orientation, examining this complex and evolving area of law in the context of a changing judicial and political landscape. Taught by a leading practitioner in the field, this course emphasizes the legal tools and decision-making processes involved in doing pathbreaking civil rights work. Students will gain an insight into the strategic and ethical tradeoffs involved in using the legal and political system to enact societal change.

Topics covered include: overview of gender identity, sexual orientation, and the historical development of LGBTQ+ rights; constitutional and statutory protections based on gender identity and sexual orientation; access to sex-segregated spaces and activities; religion-, speech-, and ethics-based objections; access to health care and reproductive technologies; non-binary and intersex identities; race and intersectional experience; and unique considerations in military, family, and prison litigation.

Class materials include: case law, case documents, legislative materials, regulatory materials, press accounts, legal scholarship, and sources from other academic disciplines.

Note: Some seats in this course are reserved for students who enroll in the LGBTQ+ Advocacy Clinic. The Office of Clinical and Pro Bono Programs handles registration in this course for students enrolled in the clinic. The drop deadline for clinical students in this course is August 13, 2021 (fall clinic students) or August 27, 2021 (spring clinic students).

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Global Anticorruption Lab

Course #: 2646 **Term:** 2021FA **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**

Wed 7:15 PM - 9:15 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 three substantive posts 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 Justice Workshop

Course #: 3035 **Term:** 2021FA **Faculty:** Blum, Gabriella; Goldberg, John **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:45 PM - 3:45 PM

Course Description: Prerequisites: There are no prerequisites for this workshop, but it is intended for students with a strong academic bent.

Exam: No Exam

This workshop will involve reading, discussing, and critiquing scholarly works broadly relating to the theme of Global Justice. Among the topics we will address are distributive justice across national boundaries; state responsibility for the international consequences of domestic policy decisions; and comparisons between legal and moral responsibilities among states and among individuals. The focus will be on the doctrinal and theoretical aspects of these questions rather than hands-on practice. Some sessions will involve presentations by scholars who are invited to speak to the workshop.

Students will be required to submit four brief "reflection" papers commenting on works that are presented in or assigned for class, and will also be expected to raise questions in discussions with invited speakers. The final grade will take account of class participation. All students wishing to take the class, including those on the waitlist or considering adding it, must attend the first session.

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Governing Digital Technology

Course #: 2433 **Term:** 2022SP **Faculty:** Zittrain, Jonathan **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:45 PM

Course Description: Prerequisite: This is a JD 1L only offering.

Exam Type: One-Day Take-home

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 Klein Center fellows and affiliates.

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Government Lawyer

Course #: 2103 **Term:** 2021FA **Faculty:** Whiting, Alex **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 1:45 PM - 3:45 PM

Course Description: Required Clinic Component: Government Lawyer: U.S. Attorney Clinic (4-5 clinical credits; either fall or spring semester). Students who are accepted into this clinic 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 April 16, 2021.
Add/Drop Deadline: May 14, 2021 for fall clinic students; August 27, 2021 for spring clinic students.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
Exam Type: No Exam. A paper will be required in lieu of an examination.
This course will be taught remotely for fall 2021.
The course will examine the role and responsibilities of the prosecutor, with a particular focus on federal prosecutors. We will consider legal, ethical, policy, and strategic challenges facing prosecutors. The course will consider questions concerning the politics of prosecution, the role of the prosecutor in the adversarial system, and the autonomy and discretion of the prosecutor. We will look at policy issues that arise around prosecution, as well as those issues that individual prosecutors face 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, violent crime, and terrorism.

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Government Lawyer: Attorney General Clinic

Course #: 8015

Term: 2021FA

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 offering 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). 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: August 13, 2021. LLM Students:

International students on F-1 student visas are required to have Curricular Practical Training (CPT)

authorization; LL.M. students are not eligible for CPT. Placement Site: Various externship placements at the Massachusetts AG Office.

The State Attorney General Clinic offers students an opportunity to work with the Office of the Massachusetts Attorney Generals 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.

The Office of the Attorney General in Massachusetts does not allow students to participate in the Tenant Advocacy Project, Prison Legal Assistance Project or Harvard Defenders while in the AG Clinic. Other activities or employment may also not be allowed.

Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic (clinical@law.harvard.edu or 617-495-5202).

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Government Lawyer: Attorney General Clinic

Course #: 8015

Term: 2022SP

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 offering 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). 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: August 27, 2021. LLM Students:

International students on F-1 student visas are required to have Curricular Practical Training (CPT)

authorization; LL.M. students are not eligible for CPT. Placement Site: Various externship placements at the Massachusetts AG Office.

The State Attorney General Clinic offers students an opportunity to work with the Office of the Massachusetts Attorney Generals 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.

The Office of the Attorney General in Massachusetts does not allow students to participate in the Tenant Advocacy Project, Prison Legal Assistance Project or Harvard Defenders while in the AG Clinic. Other activities or employment may also not be allowed.

Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic (clinical@law.harvard.edu or 617-495-5202).

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Government Lawyer: Attorney General Clinic

Course #: 8015 **Term:** 2022WI **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 offering 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). 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: August 27, 2021. LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT. 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 2019 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.
The Office of the Attorney General in Massachusetts does not allow students to participate in the Tenant Advocacy Project, Prison Legal Assistance Project or Harvard Defenders while in the AG Clinic. Other activities or employment may also not be allowed.
Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic (clinical@law.harvard.edu or 617-495-5202).

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Government Lawyer: Semester in Washington Clinic

Course #: 8016 **Term:** 2022SP **Faculty:** Wroblewski, Jonathan **Credits:** 8.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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 20, 2021.

Add/Drop Deadline: December 3, 2021.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

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 one of 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 visit the Semester in Washington page on the OCP website, 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 20, 2021.

Students should be aware of their yearly HLS credit minimums, as the spring semester is spent entirely off campus (students will receive 8 spring clinical credits + 3 spring course credits for a total of 11 spring semester credits).

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Government Lawyer: Semester in Washington Clinic

Course #: 8016 **Term:** 2022WS **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 offering 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 20, 2021. Add/Drop Deadline: November 12, 2021. LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT. 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 one of 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 visit the Semester in Washington page on the OCP website, 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 20, 2021. Students should be aware of their yearly HLS credit minimums, as the winter and spring semesters are spent entirely off campus (students will receive 2 winter clinical credits + 8 spring clinical credits + 3 spring course credits for a total of 13 winter and spring semester credits).

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Government Lawyer: Semester in Washington Clinical Seminar

Course #: 2104 **Term:** 2022SP **Faculty:** Wroblewski, Jonathan **Credits:** 3.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Students who enroll in this offering 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 20, 2021.
Add/Drop Deadline: November 12, 2021 for winter-spring clinical students. December 3, 2021 for spring clinical students.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
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 one of 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

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required in lieu of an examination.

To get an inside view of the Program, students may visit the Semester in Washington page on the OCP website, 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 20, 2021.

Students should be aware of their yearly HLS credit minimums, as the spring semester is spent entirely off campus (students will receive 8 spring clinical credits + 3 spring course credits for a total of 11 spring semester credits). Students who begin their clinical placement in the winter term receive an additional two winter clinical credits).

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Government Lawyer: United States Attorney Clinic

Course #: 8017 **Term:** 2022SP **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 offering 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 (2 fall classroom credits). 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 April 16, 2021.
Add/Drop Deadline: August 27, 2021.
LLM Students: LLM students are not eligible to enroll.
Placement Site: Various externship placements at the U.S. Attorneys office in Boston.

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.

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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 April 16, 2021 to Maggie Bay (mbay@law.harvard.edu). Applications should include a resume and a statement of interest no longer than 250 words. Students may apply for the fall, spring, or either. Accepted students will be enrolled in the clinic and the required fall course component by the Office of Clinical and Pro Bono Programs.

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Government Lawyer: United States Attorney Clinic

Course #: 8017 **Term:** 2021FA **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 offering 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 (2 fall classroom credits). 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 April 16, 2021.
Add/Drop Deadline: May 14, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
Placement Site: Various externship placements at the U.S. Attorneys office in Boston.

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.

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Attorneys Office.

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 9 a.m.-5 p.m.

Applications are due April 16, 2021 to Maggie Bay (mbay@law.harvard.edu). Applications should include a resume and a statement of interest no longer than 250 words. Students may apply for the fall, spring, or either. 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: 2021FA

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 6:30 PM - 8:30 PM

Course Description: Prerequisites: None. Basic knowledge of constitutional law preferred but not required.

Exam Type: No Exam

Students will be required to submit a short (1 or 2-page) paper on a great SCOTUS case that we have not covered in the class by the end of the semester.

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, Miranda, 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 Courts history. The majority of the readings will be the cases.

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

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Harvard Dispute Systems Design Clinic

Course #: 8019

Term: 2022SP

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 offering 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 Clinical Seminar (2 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: Taking Negotiation Workshop prior to the clinic is recommended, but not required.

By Permission: No.

Add/Drop Deadline: December 3, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

Placement Site: HLS.

Students in the Harvard Dispute Systems Design Clinic advise clients on how they can more effectively engage conflict within an organization. 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. Students will learn how to structure an assessment, conduct interviews, facilitate learning dialogue, run focus groups, make design recommendations, and present to clients. 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 our website.

If you have questions about the clinic, feel free to email Tracy Blanchard at tblanchard@law.harvard.edu.

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Harvard Dispute Systems Design Clinic

Course #: 8019

Term: 2021FA

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 offering 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 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: Negotiation Workshop is recommended, but not required.

By Permission: No.

Add/Drop Deadline: August 13, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

Placement Site: HLS.

Students in the Harvard Dispute Systems Design Clinic advise clients on how they can more effectively engage conflict within an organization. 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. Students will learn skills that may include conducting interviews for stakeholder assessments, facilitating learning dialogues, running focus groups, making design recommendations, leading teams, and presenting to clients. 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 our website.

If you have questions about the clinic, feel free to email Tracy Blanchard at tblanchard@law.harvard.edu.

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Harvard Immigration and Refugee Clinic

Course #: 8020 **Term:** 2022SP **Faculty:** Ardalan, Sabrineh **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 offering 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: Strategic Litigation and Immigration Advocacy (2 spring classroom credits).
Students who enroll in this clinic will be enrolled in the required clinical course component by the Office of Clinical and Pro Bono Programs.
Additional Co-/Pre-Requisites: None.
By Permission: No.
Add/Drop Deadline: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
International LLM students in F-1 student status cannot be placed at GBLS.
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 district court and appellate litigation, as well as 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 or 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.

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Harvard Immigration and Refugee Clinic

Course #: 8020 **Term:** 2021FA **Faculty:** Ardalan, Sabrineh; Zapata, Cindy **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
International LLM students in F-1 student status cannot be placed at GBLS.
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 representation of individuals applying for 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 district court and appellate litigation, as well as 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 or 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.

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Harvard Legal Aid Bureau 2L

Course #: 8000

Term: 2021FS

Faculty: Caramello, Esme

Credits: 8.00

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 offering 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 (1 fall classroom credit + 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: Evidence. Students must enroll in Evidence during the fall of their 2L year. Enrollment in Evidence is separate from clinic enrollment.
By Permission: Yes.
Add/Drop Deadline: Please contact HLAB for more information.
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 (dates TBD).
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.

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Harvard Legal Aid Bureau 3L

Course #: 8010 **Term:** 2021FS **Faculty:** Caramello, Esme **Credits:** 8.00

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 offering 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.

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Health Care Rights in the Twenty-First Century

Course #: 2989

Term: 2021FA

Faculty: Costello, Kevin

Credits: 2.00

Type: Elective

Subject Areas: Health Law

Delivery Mode: Seminar

Days and Times:

Location

Mon 7:15 PM - 9:15 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Prerequisites: None
Exam Type: No Exam
The COVID-19 pandemic has emphasized the central importance of rights within our health care system, raising questions of resource allocation, access to care, and equity. Underlying our response to the new health landscape 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; common law duties as between patients, providers and payers; and other state and federal statutes that govern health care consumers, insurers, institutions and spending. We will place congressional and common law health care rights provisions in the broader context of civil rights jurisprudence, including anti-discrimination regimes. We will also trace the shift in access to care in evaluating how our health system responded to a once in a lifetime pandemic. Applying a lens of civil rights 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 of August 13, 2021 for students enrolled in reserved clinical seats.

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

Course #: 8033 **Term:** 2022SP **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 offering may count the credits towards the JD experiential learning requirement.
Enrollment in this clinic will fulfill the HLS JD pro bono or experiential learning 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 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. 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: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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 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.

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

Course #: 8033 **Term:** 2021FA **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 offering 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.
Additional Co-/Pre-Requisites: None.
By Permission: No.
Add/Drop Deadline: August 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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 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;

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Health Law, Policy, Bioethics, and Biotechnology Workshop

Course #: 2652 **Term:** 2021FA **Faculty:** Cohen, I. Glenn **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 4:30 PM - 6:30 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>

History of Civil Liberties

Course #: 3092 **Term:** 2022SP **Faculty:** Weinrib, Laura **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 1:45 PM - 3:45 PM

Course Description: This seminar examines changing understandings of civil liberties in American legal history. It emphasizes legal and ideological contests over the meaning of free speech, religious freedom, and reproductive rights during the nineteenth and twentieth centuries. Readings explore the intersection between legal struggles and broader developments in social, cultural, and political history, with a particular focus on the labor, civil rights, and feminist movements.

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HLAB: Spanish for Public Interest Lawyers

Course #: 2281

Term: 2021FA

Faculty: Summers, Nicole

Credits: 1.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Reading Group

Days and Times:

Location

Mon 11:00 AM - 12:00 PM

Course Description:

Prerequisites: This reading group is by application and only open to members of the Harvard Legal Aid Bureau. Please contact Nicole Summers with any questions.

The goal of this course is to prepare students to communicate effectively in Spanish with Limited English Proficient Spanish-speaking legal aid clients. Students will be introduced to legal terminology and will become familiar with the substantive vocabulary applicable to HLAB's core areas of practice, including housing, benefits, and family law. At the same time, a primary objective of the course is to prepare students to communicate with clients about complex legal issues and processes in terms clients will understand. To achieve this objective, the course will be organized around particular client interactions that legal aid lawyers encounter, such as conducting an intake interview, discussing settlement, and preparing an affidavit. The course will be taught in Spanish and will consist of paired, small group and class-wide discussions; role-playing; games; and some writing and listening activities. The course will also include some translation exercises.

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Housing Law Clinic

Course #: 8034 **Term:** 2021FA **Faculty:** McDonagh, Maureen **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

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.

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Housing Law Clinic

Course #: 8034 **Term:** 2022SP **Faculty:** McDonagh, Maureen **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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.
Add/Drop Deadline: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

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.

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Housing Law Clinical Workshop

Course #: 2199 **Term:** 2021FA **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**

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

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. 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.

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Housing Law Clinical Workshop

Course #: 2199 **Term:** 2022SP **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**

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

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. 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.

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Human Rights Advocacy

Course #: 2510

Term: 2021FA

Faculty: Waheedi, Salma

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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 Business and Human Rights (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 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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.

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Human Rights Advocacy

Course #: 2510 **Term:** 2022SP **Faculty:** Lindstrom, Beatrice **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component: International Human Rights Clinic (3-5 fall clinical credits). Clinical seminar selection and enrollment occurs once a student has enrolled in the spring clinic and is orchestrated by the Office of Clinical and Pro Bono Programs.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: December 3, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

Exam Type: No Exam

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 spring clinical practice component is required of all students. Clinical placements are with the International Human Rights Clinic.

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Human Rights and Humanitarianism through the Lens of Documentary Film

Course #: 2983 **Term:** 2022SP **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**

Thu 4:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This reading group will examine how visual representations affect the theory and practice of human rights advocacy and humanitarian efforts. Using both film screenings and written texts, we will examine the role of documentary storytelling and imagery in the human rights movement and the continued interconnectedness of media and advocacy in some of today's most pressing human rights issues. 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.

Note: This reading group will meet through the first six weeks of the spring term. Additional time also reserved for viewing films.

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Immigration and Refugee Advocacy

Course #: 2115 **Term:** 2021FA **Faculty:** Ardalan, Sabrineh; Zapata, Cindy **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 10:45 AM - 12:45 PM

Course Description: Students who enroll in this offering 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 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
International LLM students in F-1 student status cannot be placed at GBLS.
This seminar addresses U.S. immigration and asylum law, as well as advocacy skills relevant to students work at the clinic. The skills component of the seminar addresses such areas as effective client interviewing, affidavit writing, trial preparation, policy advocacy, district court and appellate litigation, and amicus briefs. 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 immigration and 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 reflect critically 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.

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Immigration Law

Course #: 2466 **Term:** 2022SP **Faculty:** Neuman, Gerald **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 4:30 PM - 6:00 PM

Tue 4:30 PM - 6:00 PM

Course Description: Prerequisites: Prior completion of a course in U.S. Constitutional Law that covers separation of powers and federalism is recommended, but not required.

Exam Type: In Class

Migration policy has been bitterly controversial in recent years, but not for the first time, and is currently in flux. This course will examine the legal framework of federal immigration control from a variety of perspectives — historical and contemporary; substantive and procedural; statutory and administrative and constitutional — including the criteria for admission to the United States, the grounds and process of deportation, the peculiar constitutional doctrines persisting in this field, and an introduction to refugee law.

Immigration Law: Policy and Social Change

Course #: 2116 **Term:** 2021FA **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**

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: Last Class Take-home

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.

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Individuality?: Virginia Woolf vs. Social Justice and Law

Course #: 3091

Term: 2021FA

Faculty: Parker, Richard

Credits: 1.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law

Delivery Mode: Reading Group

Days and Times:

Location

Tue 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam

We'll read two great novels by Woolf published almost a century ago - Mrs. Dalloway and To The Lighthouse - covering roughly 70 pages per meeting. Both novels feature magnificent portrayals of female protagonists and myriad supporting actors. In both, power and history intrude in the form of male domination and war. What should we make of this in 2021?

Note: This reading group will be held on the following dates: 9/14, 9/21, 9/28, 10/19, 10/26, 11/2
Drop Deadline: September 15, 2021 by 11:59 pm EST

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Institute to End Mass Incarceration Clinic

Course #: 8051 **Term:** 2021FA **Faculty:** Crespo, Andrew; Dharia, Premal **Credits:** 4.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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: Institute to End Mass Incarceration 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: Yes. Applications are due by July 16, 2021. Please see below for more information.
LLM Students: This clinic is not available to LLM students.
Placement Site: HLS.
Description: The Institute to End Mass Incarceration is a research and advocacy program that works toward the dramatic decarceration of the United States, the eradication of the root causes of mass incarceration, and the promotion of new approaches to dealing with harm and safety in our communities. The Institute's advocacy work is anchored to its clinical component, which aims to develop, teach, and practice a nontraditional mode of lawyering that helps to build the power of social movements, including by activating public defenders as systemic change agents. Working alongside and in support of community-led movements, the Institute's advocacy work will help strategize and implement collective-action campaigns that catalyze the power of the very people impacted by the penal system. Through the seminar component of the course, students can expect to study the theory and practice of community organizing, the relationship between lawyers and social movements, and the power dynamics of the penal system that combine to produce mass incarceration. Through the clinical component of the course, students can expect to participate directly in strategizing and executing movement-driven advocacy and litigation campaigns alongside people charged with crimes and communities harmed by mass incarceration, in conjunction with partner public defender offices, community-organizers, and local activists. Student practice will include brainstorming and designing campaign strategies; research and writing to produce strategy memoranda and litigation documents; and collaborating with partner organizers and attorneys to execute coordinated campaigns across multiple cases. Students enrolled in the course will serve as full and central members of the Institute's advocacy team. Depending on the number of projects undertaken over the course of the semester, students can expect to be divided into teams with other classmates. All students, however, will participate in each weekly seminar session and will contribute to and support the work of students on other teams—perhaps assuming primary responsibility for aspects of other projects as needs arise. Application Process: Admission to this course is by permission of the instructors. Interested students should submit an application to Maggie Bay (mbay@law.harvard.edu) by no later than July 16, 2021. The application should include the following documents, combined into a single PDF: a cover letter, a resume, a writing sample, and a list of up to three references. Cover letters should describe, if applicable, any prior or upcoming relevant work experience, including work on behalf of indigent clients, with criminal legal system issues, with organizing or activism campaigns, and/or with substantive brief writing or written advocacy beyond the first-year curriculum. No such experience, however, is required for admission to the course, nor should students without such experience feel discouraged from submitting an application. Students who are engaged in potentially relevant work over the summer are welcome to supplement their application with an additional

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recommender and/or writing sample from their summer job, provided that all materials are received by the application deadline.

Applicants may be asked to interview with the instructors by phone or video conference.

Grading: Students will be graded based on a combination of their participation in seminar, their efforts to contribute to the team's projects and deliverables over the course of the semester, and the quality of their formal and informal work product.

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Institute to End Mass Incarceration Clinical Seminar

Course #: 3003 **Term:** 2021FA **Faculty:** Crespo, Andrew; Dharia, Premal **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:45 PM

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

Required Clinic Component: Institute to End Mass Incarceration Clinic (4 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: Yes. Applications are due by July 16, 2021. Please see below for more information.

LLM Students: This clinic is not available to LLM students.

Placement Site: HLS.

Description: The Institute to End Mass Incarceration is a research and advocacy program that works toward the dramatic decarceration of the United States, the eradication of the root causes of mass incarceration, and the promotion of new approaches to dealing with harm and safety in our communities.

The Institute's advocacy work is anchored to its clinical component, which aims to develop, teach, and practice a nontraditional mode of lawyering that helps to build the power of social movements, including by activating public defenders as systemic change agents. Working alongside and in support of community-led movements, the Institute's advocacy work will help strategize and implement collective-action campaigns that catalyze the power of the very people impacted by the penal system.

Through the seminar component of the course, students can expect to study the theory and practice of community organizing, the relationship between lawyers and social movements, and the power dynamics of the penal system that combine to produce mass incarceration. Through the clinical component of the course, students can expect to participate directly in strategizing and executing movement-driven advocacy and litigation campaigns alongside people charged with crimes and communities harmed by mass incarceration, in conjunction with partner public defender offices, community-organizers, and local activists.

Student practice will include brainstorming and designing campaign strategies; research and writing to produce strategy memoranda and litigation documents; and collaborating with partner organizers and attorneys to execute coordinated campaigns across multiple cases. Students enrolled in the course will serve as full and central members of the Institute's advocacy team. Depending on the number of projects undertaken over the course of the semester, students can expect to be divided into teams with other classmates. All students, however, will participate in each weekly seminar session and will contribute to and support the work of students on other teams—perhaps assuming primary responsibility for aspects of other projects as needs arise.

Application Process: Admission to this course is by permission of the instructors. Interested students should submit an application to Maggie Bay (mbay@law.harvard.edu) by no later than July 16, 2021. The application should include the following documents, combined into a single PDF: a cover letter, a resume, a writing sample, and a list of up to three references.

Cover letters should describe, if applicable, any prior or upcoming relevant work experience, including work on behalf of indigent clients, with criminal legal system issues, with organizing or activism campaigns, and/or with substantive brief writing or written advocacy beyond the first-year curriculum. No such experience, however, is required for admission to the course, nor should students without such experience feel discouraged from submitting an application. Students who are engaged in potentially relevant work over the summer are welcome to supplement their application with an additional recommender and/or writing sample from their summer job, provided that all materials are received by

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the application deadline.

Applicants may be asked to interview with the instructors by phone or video conference.

Grading: Students will be graded based on a combination of their participation in seminar, their efforts to contribute to the team's projects and deliverables over the course of the semester, and the quality of their formal and informal work product.

International Criminal Law

Course #: 2455 **Term:** 2021FA **Faculty:** Kalpouzos, Ioannis **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:15 PM

Thu 1:45 PM - 3:15 PM

Course Description: Prerequisites: None
Exam Type: Any Day Take-Home
International Criminal Law examines how the international legal system attempts to name and address the gravest crimes in international law. We will focus on: a) international criminal law as part of public international law, as well as a political project; b) genocide, crimes against humanity, war crimes, and the crime of aggression; c) perpetrators and victims of international crimes; d) domestic and international judicial enforcement, with special attention to the International Criminal Court. Through a discussion that is both doctrinal and critical, the course will seek to illuminate both the law and politics of international criminal justice and to inform its practice.

International Environmental Law

Course #: 2123 **Term:** 2021FA **Faculty:** Salzman, James **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam
This course examines the challenges, successes, and opportunities in harnessing state and non-state efforts to promote international 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 the range of 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.

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International Human Rights

Course #: 2126

Term: 2022SP

Faculty: Kalpouzos, Ioannis

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Tue 4:30 PM - 6:00 PM

Wed 4:30 PM - 6:00 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home

The course will introduce students to the concepts of human rights, within the system of public international law. The course aims to work at three levels: to analyze the doctrine of international human rights law; to examine the role of human rights (law) in history and politics; to introduce key areas of current and future human rights practice. The goal is to achieve both doctrinal analytical competence and the capacity to identify what kind of human rights practice will be important in the future. We will accordingly look at the historical evolution and political role of human rights law and look at institutions and mechanisms, at the global and regional level, for the monitoring and enforcement of human rights law. We will analyze how international law has articulated specific rights, for example the right to life, the prohibition of torture, the rights to food, health, and self-determination. We will discuss how human rights relate to specific contexts and themes, for example migration, war, climate change, corporations, poverty, race. We will aim to identify to what extent international human rights law may be useful in addressing (global) inequality. Ultimately, we will aim to identify the most crucial future international human rights legal practice.

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International Human Rights Clinic

Course #: 8021 **Term:** 2022SP **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 offering 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 Human Rights Advocacy (2 spring classroom credits) or The Promises and Challenges of Disarmament (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 may enroll in only one of the two available courses.
Additional Co-/Pre-Requisites: None.
By Permission: No.
Add/Drop Deadline: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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; the role of health professionals in torture; Alien Tort Statute litigation; transitional justice; civil and political rights; economic, social, and cultural rights; and many more. Our clinicians have expertise in numerous regions and countries, including in Latin America, Southern Africa, Eastern and Central Europe, 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.

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International Human Rights Clinic

Course #: 8021 **Term:** 2021FA **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 offering 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 Business and Human Rights (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 13, 2021. LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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 Business and Human Rights (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.

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International Human Rights Clinic - 3L Leadership Training with Advanced Seminar

Course #: 8040 **Term:** 2021FA **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 offering may count the credits towards the JD experiential learning requirement.

Required Class Component: Human Rights Careers: Strategic Leadership Workshop (2 fall classroom credits). Once a student is accepted into this clinic, the Office of Clinical and Pro Bono Programs will enroll them in the required course.

Additional Co-/Pre-Requisites: Prior semester of the International Human Rights Clinic.

By Permission: Yes. Applications are due by May 12, 2021.

Add/Drop Deadline: May 31, 2021.

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

Placement Site: HLS.

Through the International Human Rights Clinic - 3L Leadership Training with Advanced Seminar, 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; Alien Tort Statute litigation; transitional justice; civil and political rights; economic, social, and cultural rights; and many more. Our clinicians have expertise in numerous regions and countries, including in Latin America, Southern Africa, Eastern and Central Europe, 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.

Please contact the clinic for more information about the application process.

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International Intellectual Property Transactions

Course #: 3037 **Term:** 2022WI **Faculty:** de Werra, Jacques **Credits:** 3.00

Type: Elective **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;
International, Comparative & Foreign 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: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.
Prerequisites: None
Exam Type: Last Class Take-Home
International IP transactions are extremely common in the global knowledge-based and data-driven economy. The legal rules that govern these transactions are however not uniform at the international level (and not even at the regional level - including in the European Union -). The power of the contracting parties (who negotiate and conclude international IP transactions) to select the (contract) law that shall govern their agreement cannot fully overcome this legal fragmentation. In view of this complexity, the goal of the course is to explore and discuss selected aspects of international IP transactions from an international and a comparative perspective in order to help students navigate this challenging legal environment.
The course will cover a variety of IP transactions, including assignment of IP rights (specifically copyright assignment agreements), technology licensing (specifically patent and know-how licensing, including FRAND [Fair Reasonable and Non-Discriminatory] patent licensing) and technology transfer, trademark and copyright licensing, trademark coexistence agreements; non-disclosure agreements, franchising agreements, etc. The course will investigate a variety of legal fields beyond contract law and intellectual property law, including competition law, conflict of laws, international commercial and investment arbitration, and bankruptcy law in an interdisciplinary approach. It will analyze a selection of documents that shall help understand the legal ecosystem governing international IP transactions (including documents from the World Intellectual Property Organization and from other international organizations as well as case law from diverse common law and civil law jurisdictions).

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International Intellectual Property, Public Health, and Access to Medicines

Course #: 2463

Term: 2021FA

Faculty: Okediji, Ruth

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 4:30 PM - 6:00 PM

Tue 4:30 PM - 6:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This course examines fundamental principles of international IP law with an emphasis on access to medicines. It covers comparative approaches to the scope of patent protection, limitations and exceptions, and dispute settlement, including implications for public health and economic development in the Global South. Students will study key provisions of leading major treaties, emphasizing the implementation and enforcement of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) and IP chapters in regional trade agreements, including new forms of legal protection available to the pharmaceutical industry.

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International Labor Migration

Course #: 2330

Term: 2022WI

Faculty: Rosenbaum, Jennifer

Credits: 2.00

Type: Elective

Subject Areas: Employment & Labor Law; International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Mon 1:00 PM - 3:30 PM

Tue 1:00 PM - 3:30 PM

Wed 1:00 PM - 3:30 PM

Thu 1:00 PM - 3:30 PM

Fri 1:00 PM - 3:30 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This seminar 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 seminar, 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.

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International Trade Law

Course #: 2132

Term: 2022SP

Faculty: Bradford, Anu

Credits: 4.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Thu 8:00 AM - 10:00 AM

Fri 8:00 AM - 10:00 AM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisites None

Exam Type: In Class

This course examines the law and policy of international trade in goods and services. It begins with an overview of the economics and politics of international cooperation on trade, and then moves on to study the core obligations that states have under the WTO rules. These rules address tariff and non-tariff barriers, discrimination of importers, regional trade agreements, anti-dumping duties, countervailing duties, and safeguards measures. We will discuss the negotiation, implementation and enforcement of international trade agreements, with a particular interest in the relationship between free trade and other areas of international cooperation, such as environment. Finally, we will discuss the current trade politics and pressures that have led to protectionism and trade wars and undermined the role of the WTO as the forum for settling trade disputes. A student's grade will be based on a final examination and class participation.

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Introduction to Accounting

Course #: 2133

Term: 2021FA

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 4:00 PM - 6:00 PM

Course Description: Prerequisites: None

Exam Type: In Class

This 1-credit 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 corporate financial statements are prepared to capture the financial effects of management decisions, and how accounting reports can be analyzed to aid or evaluate management decisions. The course will be relevant for students in the Law and Business program of study, as well as those 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.

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.

Note: The course meets for the first six weeks of the semester, followed by an exam given in the seventh week.

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Introduction to Accounting 3-Week Section

Course #: 2133

Term: 2022SP

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 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

Course Description: Prerequisites: None

Exam Type: In Class

This 1-credit spring 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 corporate financial statements are prepared to capture the financial effects of management decisions, and how accounting reports can be analyzed to aid or evaluate management decisions.

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.

Note: This course meets twice a week for the first three weeks of the spring semester, followed by an exam given in the fourth week.

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Introduction to Advocacy: Civil Legal Aid Ethics, Theory, and Practice

Course #: 2134 **Term:** 2021FS **Faculty:** Caramello, Esme **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:15 PM

Tue 1:45 PM - 3:15 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Students who enroll in this offering 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. Students must enroll in Evidence separately from clinic enrollment.
By Permission: Yes.
Add/Drop Deadline: Please contact HLAB for more information.
LLM Students: LLM students are not eligible to enroll.
Multi-Semester: This is a fall-spring course (1 fall classroom credit + 2 spring classroom credits).
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 multi-issue, multi-strategic 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 periodic written assignments and 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.

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Introduction to Finance Concepts 4-Day Section

Course #: 2537

Term: 2021FA

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

Tue 1:00 PM - 4:00 PM

Wed 1:00 PM - 4:00 PM

Thu 1:00 PM - 4:00 PM

Fri 1:00 PM - 4:00 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 over four 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. The following topics will be introduced: time value of money, Microsoft Excel functions used in finance calculations, discounted cash flow methodology, analysis of investment decisions, measuring risk and return for individual assets, diversification, measuring portfolio returns, capital asset pricing model, measuring cost of capital.

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.

The course will be graded on a Credit/Fail basis.

Note: This course takes place before the start of upper-level classes. It will meet Tuesday, August 31st through Friday, September 3rd, followed by an exam given during the first week of classes.

Drop Deadline: TBD

Cross registration is not available for this course.

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Introduction to Islamic Law

Course #: 2358 **Term:** 2022SP **Faculty:** Stilt, Kristen **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:45 AM - 12:15 PM

Fri 10:45 AM - 12:15 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.
Exam Type: One Day Take-Home

This course is a broad introduction to Islamic law in historical and contemporary forms. We will first cover the origins and early development of Islamic law, with a focus on how the sources of Islamic law were used to derive a diverse body of rules and how those rules were implemented. We will then turn to the modern era and examine how Islamic law is relevant to legal systems around the world today, using case studies of family law, food law, finance, and criminal law.

Introduction to Japanese Law

Course #: 2136 **Term:** 2021FA **Faculty:** Ramseyer, J. Mark **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:15 PM

Tue 10:45 AM - 12:15 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.
Prerequisites: None
Exam Type: In Class

This course is designed to introduce the non-specialist law student to major features of the Japanese legal system. The course attempts to integrate the structures, processes, and personnel of the Japanese legal system with other features of Japanese society and history. Topics covered include (but are not limited to): Litigation and extra-judicial settlement, the legal services industry, economic regulation, criminal procedure, and constitutional litigation.

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Investment Management Law: Private Funds and Other Issues

Course #: 2323

Term: 2021FA

Faculty: Champ, Norm

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Thu 4:00 PM - 7:00 PM

Course Description:

Prerequisites: None

Exam Type: In Class

This course covers the fundamental legal and regulatory regimes that govern private fund sponsor businesses. The course will focus primarily on SEC-registered investment advisers that are managing investment funds or accounts that are privately offered and exempt from the Investment Company Act of 1940. Privately offered funds include private equity funds, hedge funds, real estate funds and other private funds that control several trillion dollars of investment capital. In particular, capital in private equity funds has grown dramatically in recent years.

This course will use a study of statutes, rules, regulations, regulatory decisions, court cases, fund documentation and other materials to familiarize students with the legal issues in the investment management area and the principles that guide the resolution of these issues. Investment management law encompasses several different areas of the law including the federal securities laws, employment law, tax law, partnership and corporate law. It is my goal to integrate these areas into a cohesive view of the legal aspects of the investment management business. Using contacts in the regulatory agencies, investment management industry and bar, I plan to bring guest speakers to give students exposure to industry participants.

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Investments Workshop: Public and Private Equity

Course #: 2923

Term: 2022SP

Faculty: Bosiljevac, Vladimir

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Tue 4:30 PM - 6:30 PM

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

Prerequisites: Sound understanding of financial statements and valuation topics/models. 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 financial modeling. The deadline for upper-level JD and LLM applications is November 5. The deadline for 1L applications is November 15. Cross-registrants are highly encouraged to apply - the deadline for them is January 20, 2022.

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 across multiple one-on-one sessions) 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.

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Judicial Process in Trial Courts Clinic

Course #: 8022 **Term:** 2022SP **Faculty:** Cratsley, John; Berenson, Barbara **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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: December 3, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
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 with 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.

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Judicial Process in Trial Courts Clinical Seminar

Course #: 2139 **Term:** 2022SP **Faculty:** Cratsley, John; Berenson, Barbara **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 4:30 PM - 6:30 PM

Course Description: Students who enroll in this offering 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: December 3, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
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, access to justice, and sentencing 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 with 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.

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Jurisprudence

Course #: 2140

Term: 2021FA

Faculty: Brewer, Scott

Credits: 3.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Legal & Political Theory

Delivery Mode: Course

Days and Times:

Location

Thu 1:45 PM - 3:15 PM

Fri 1:45 PM - 3:15 PM

Course Description: Prerequisites: None

Exam Type: Any Day Take-home

Jurisprudence is the silent and controlling partner in every judges and every lawyers reasoning about law. A judge, a lawyer, a citizen, a law student cannot answer any legal question without a sufficiently clear sense of what law is— as distinct, say, from religion, or hard science or social science— and what it is that constitutes legal reasoning and argument (as opposed to, say, reasoning in empirical science or theology or mathematics or logic). What sources may a judge consult to resolve a legal dispute, and on what sources should a lawyer rely in making an argument on behalf of a client? Only such commonplace sources as case precedents, statutes, constitutional provisions, administrative regulations, executive orders? May she also consult the bible, or works by moral, political, and legal philosophers? Why or why not?

These and related questions are the subject matter of Jurisprudence and of this course. In our exploration of these themes, we will consider competing explanations of the concept of law (among legal positivists, legal realists, natural law theorists, critical legal studies theorists), the role of social and political contest in lawmaking and law application (including approaches to this issue that focus on race, class, and gender in their explanations of law and legal institutions), the nature, extent and limits of reason and rationality in legal argument, the role of virtue in judging and lawyering, and the values that do or should guide legal factfinding.

No special background is required. Work for the course consists of class participation and a take-home exam. Cross-registrants are welcome. Anyone seeking information about this course should feel free to contact Professor Scott Brewer at sbrewer@law.harvard.edu.

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JuryX Workshop

Course #: 2411

Term: 2022WI

Faculty: Nesson, Charles

Credits: 3.00

Type: Elective

Subject Areas: Legal & Political Theory

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:

Prerequisites: None

Exam Type: No Exam Instead there will be a 1200-word paper due at the end of the workshop.

Ideal Discourse JuryX is a workshop in which the ideal is both subject of study and objective in execution, played out with collective attention substance, form and frame of our discourse. The workshop pursues jury in metaphor and ideal form. We consider difficult issues of justice. Our syllabus unfolds as we go. Much learning takes place in small jury groups, mixed as we go to maximize students meeting. Much learning takes place as well in a pseudonymous text online discourse environment called threads, used for feedback and wide-open discussion.

With Fern L. Nesson

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Knowledge Institutions in Constitutional Democracies

Course #: 2304 **Term:** 2021FA **Faculty:** Jackson, Vicki **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Thu 6:30 PM - 8:30 PM

Course Description: Prerequisites: None
Exam Type: No Exam
Knowledge institutions are both public and private; some have clear constitutional protections, others do not. Knowledge institutions include a free press, colleges and universities, libraries, NGOs and government offices that collect and disseminate objective data; some social media might be viewed as new kinds of knowledge institutions. Constitutionalists in this country have long been familiar with the centrality of rights of freedom of speech, association and of the free press, to the well-functioning of U.S. representative democracy. But institutions matter as well as rights. Knowledge institutions include public as well as private entities, government offices like the Census Bureau, the EPA, the National Oceanic and Atmospheric Administration, the CDC, and statistical offices in executive departments, like the Department of Justice or the Department of Agriculture. (We might also consider whether courts should be considered knowledge institutions, to the extent that they provide determinations of facts in legal disputes based on a set of regularized procedures? legislative bodies to the extent that they engage in formalized findings of facts?) Questions to explore include: what are common characteristics (if any) of knowledge institutions? how do their roles differ? are their roles in representative democracies different from their roles in other systems of governance? how does the U.S. protect knowledge institutions? how do other constitutional democracies protect knowledge institutions? should existing legal regimes affecting knowledge institutions be changed? This reading group may also help theorize connections among different knowledge institutions in constitutional democracies in ways that cut across existing legal categories.
Note: This reading group will meet on alternate Wednesdays throughout the term. Exact dates TBD.

Labor & Employment Lab

Course #: 2845 **Term:** 2021FA **Faculty:** Sachs, Benjamin **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 4:30 PM - 6:30 PM

Course Description: Prerequisites: None
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. 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 others work. Students will be required to write four substantive posts of approximately 1200 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.

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Labor & Employment Lab

Course #: 2845 **Term:** 2022SP **Faculty:** Sachs, Benjamin **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 4:30 PM - 6:30 PM

Course Description: Prerequisites: None
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. Class meetings will be highly interactive and collaborative. Part of each class session will be dedicated to developing writing topics and part will be dedicated to discussing each others work. Students will be required to write four substantive posts of approximately 1200 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.

Law & Democracy: The Incomplete Experiment

Course #: 2485 **Term:** 2022SP **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 1:45 PM - 3:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam
This seminar 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 culture, 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.
Note: This course is not available for cross-registration.

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Law and Economics

Course #: 2146 **Term:** 2021FA **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 7:15 PM - 9:15 PM

Course Description: Prerequisite: None
Exam Type: No Exam
This seminar will provide students with exposure to ongoing research in the economic analysis of law. At most of the meetings, invited speakers from Harvard and other universities 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.

Law and Economics

Course #: 2146 **Term:** 2022SP **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 7:15 PM - 9:15 PM

Course Description: Prerequisite: None
Exam Type: No Exam
This seminar will provide students with exposure to ongoing research in the economic analysis of law. At most of the meetings, invited speakers from Harvard and other universities will present works in progress. Students are required to submit, before sessions, brief written comments on the papers to be presented.
Enrollment in either or both terms is permitted. Some background in economics or law and economics is helpful; however, knowledge of technical economics is unnecessary.

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Law and Finance of Venture Capital and Start-ups

Course #: 2147

Term: 2022SP

Faculty: Ferrell, Allen; Forrest, Richard

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Seminar

Days and Times:

Location

Mon 7:15 PM - 9:15 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This seminar will cover topics in the area of start-up company law. Topics include institutional and legal arrangements important to start-up companies, agency problems facing start-up firms and mechanisms to deal with these problems, contractual issues start-up companies face, and the structure and operation of venture capital funds.

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Law and Neuroscience

Course #: 2707

Term: 2022SP

Faculty: Gertner, Nancy

Credits: 2.00

Type: Elective

Subject Areas: Criminal Law & Procedure; Disciplinary Perspectives & Law

Delivery Mode: Seminar

Days and Times:

Location

Wed 4:30 PM - 6:30 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.

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Law and Politics Workshop

Course #: 3022 **Term:** 2021FA **Faculty:** Stephanopoulos, Nicholas **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Prerequisites: None
Exam Type: No Exam
This workshop is devoted to learning about, discussing, and critically evaluating new scholarly work on law and politics. A series of outside speakers, drawn from both law schools and political science departments, will present recent or forthcoming papers on election law and/or American politics. In the session before each outside speaker visits, we will read and talk about related work that helps us to assess the speakers contribution. Students will have the option of writing either a number of response papers or a single research paper.

Law, Justice, and Design: Making Legal Systems for Human Beings

Course #: 2872 **Term:** 2022SP **Faculty:** Adranly, Rochael **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Course Description: Prerequisite: Enrollment is by permission

Exam Type: No Exam

This seminar will provide students with an opportunity to focus on the perspectives of individuals who need to access or navigate the legal system without legal representation. Organized as a workshop, the seminar will ask: What tools of design and law can be used to uncover the needs of individuals facing legal challenges without legal representation? What processes, tools, and systems can we design together to obtain effective navigation and good outcomes for unrepresented individuals within the legal system? We will explore these questions via three contexts - eviction from housing, misdemeanors, and asylum. This course will be active, collaborative, and experiential; students will work in teams, interview people involved in these three processes, experience the processes, and develop proposed innovations.

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Leading from the Middle

Course #: 2161 **Term:** 2022SP **Faculty:** DeFilippo, Mandy **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 7:15 PM - 9:15 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This seminar explores how to be an effective leader and an agent for positive change during the first 10-15 years of one's professional career. The seminar will feature a cross-disciplinary set of materials: traditional texts from literature, classics, philosophy and the social sciences; case studies and business texts; videos of speeches and talks. No specific background or knowledge is required. Key questions to be explored include:

What does "leadership" look like below executive officer or "C suite" level in a large organization? What defines leadership and opportunities to lead at this level?

How do people learn and practice leadership skills in an effective way in the first part of their careers?

Are there particular styles or methods of leadership that middle leaders can deploy effectively?

What are some of the challenges that middle leaders face? How can middle leaders think strategically about those challenges?

Can leaders "from the middle" be true agents for positive change within larger institutions or organizations? How do leaders "from the middle" identify opportunities to make changes or improvements - and, once identified, successfully implement those changes?

Students will be required to write two short papers, from a selection of topics provided by the professor.

The topics will be based on the readings, materials and topics discussed in class.

Note: This seminar will meet on the following dates: TBD.

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Legal Architecture of Globalization: Money, Debt, and Development

Course #: 2896

Term: 2022SP

Faculty: Desan, Christine

Credits: 4.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisites: None

Exam Type: In Class

An integrated political economy now covers much of the globe. This course focuses on the monetary structure of that phenomenon as a matter created and contested in law. Trade, extraction, exchange, debt, and economic development — for centuries, all have depended on money as their medium. By examining the changing legal design of money, we will study globalization as a material, ideological, and distributive event of enormous significance.

Early sovereigns prioritized domestic law, both public and private, in developing the rules that provide the basic matrix for exchange. Those rules created the mediums that carry value — including money, credit, and circulating capital. Nation-states today still claim sovereignty over those decisions; they are basic to self-determination and economic development. But the latitude for those decisions had changed. New monetary and financial relations now bind states, individuals, and other entities together and reconfigure the possibilities for their interaction.

We consider the way that political communities assert sovereignty in money and finance, the challenges that occur as different sovereign projects collide, interact, or compete with one another, and the character of the international orders that have resulted, including those of early Europe, the era of the Gold Standard, the Bretton Woods period, and the contemporary system. We will focus, in particular, on the advent and development of finance-based money, a form of liquidity based on sovereign debt and expanded by commercial banks and capital markets. We discuss how that finance-based form defines value, authority, and markets in the modern world, with attention to its influence shaping international law and international financial institutions, its role as the medium for much of modern globalization, and its implications for global and domestic inequality.

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Legal History Seminar: Continental Legal History

Course #: 2166

Term: 2022SP

Faculty: Donahue, Charles

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Tue 4:30 PM - 6:30 PM

Course Description: Pre/Co-requisites: Concurrent registration in Continental Legal History, or equivalent preparation is required, as is the ability to read simple Latin prose. For JD1L students, permission of the instructor is required in order to enroll.

Exam type: No Exam

Around the year 1100 a small group of men in Bologna began to study Roman law with an intensity not witnessed in the previous centuries. About a generation later a somewhat different group began to do the same thing with canon law. The combined product of these two studies, known as the *ius commune* ("the common law"), became an essential part of the training of any respectable European jurist, and the influence of the *ius commune* on subsequent developments, up to and including the codifications of the 19th century, is very large indeed. This seminar will introduce students to the techniques of reading and analyzing works in the *ius commune* of the medieval and early modern periods with the goal of enabling students to write a series of short papers on some part of the *ius commune* (which then may be combined for a third-year paper).

Offered concurrently in the Faculty of Arts and Sciences as History 2080. Multilithed materials. 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.

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Legal History Workshop

Course #: 2596 **Term:** 2022SP **Faculty:** Mack, Kenneth; Lvovsky, Anna **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites: None
Exam Type: No Exam
This workshop aims to provide students with a historical perspective on the intersections between law and society in the United States. Assignments and class discussions will feature a mix of major works in the field of legal history, introducing students to critical methodologies and historiographical debates, and workshop presentations by leading historians currently writing on questions of race and policing. Further information about the topics to be covered will be available closer to the Spring semester.
Law students will have the choice of adding a writing credit to this two-credit workshop by completing a substantial paper. Those who choose to write a substantial paper will receive three credits (two classroom, one writing) upon successful completion of the course; those who do not complete substantial papers will receive two classroom credits. All FAS graduate students who enroll in the workshop must complete a substantial paper and will receive four credits upon successful completion of the course.
Note: This course is jointly-listed with FAS as History 2475.

Legal History: American Legal Education

Course #: 2164 **Term:** 2022SP **Faculty:** Coquillet, Daniel **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 4:30 PM - 6:30 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 is jointly-listed with BC.

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Legal History: Continental Legal History

Course #: 2165 **Term:** 2022SP **Faculty:** Donahue, Charles **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 4:30 PM - 6:00 PM

Wed 4:30 PM - 6:00 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisites: None

Exam Type: No Exam

A survey of the main outlines of Continental European legal history from the fall of the Roman Empire to the codifications of the 19th century. The course will focus on the main expressions of European legal culture over this long period of time: the "barbarian law codes" (6th-10th centuries), the revival of the academic study of Roman and canon law (11th-13th centuries), the customary law (13th-16th centuries), the schools of academic law (14th-17th centuries: the "commentators", the "humanists", the "natural law school", and the process of codification (France and Germany, 18th and 19th centuries). In each period an effort is made to relate the types of law produced to the social, political, and religious history of the period. No background in continental legal history will be presumed. All readings will be in English.

Multilithed materials.

Note: This course is jointly offered with the FAS as Medieval Studies 119. It will meet at both HLS and FAS. It meets at FAS on Mondays and Wednesdays (room TBD) and at HLS on Tuesdays . Please contact the faculty for more details.

Legal History: English Legal History

Course #: 2371 **Term:** 2021FA **Faculty:** Donahue, Charles **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 4:30 PM - 6:00 PM

Wed 4:30 PM - 6:00 PM

Course Description: An introduction to the history of law and legal institutions in England from the Anglo-Saxons to the seventeenth century. The principal focus will be on the development of private law. No previous background in English legal history will be assumed. A short paper is required and two final essays, something like a take-home exam.

Note: This course is jointly listed with FAS as Medieval Studies 117.

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Legal History: History of American Economic Regulation

Course #: 2167

Term: 2022SP

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

Thu 10:45 AM - 12:15 PM

Fri 10:45 AM - 12:15 PM

Course Description: Prerequisites: 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.

Note: This seminar is jointly-listed with FAS as History 2477.

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Legal Innovation Through Design Thinking

Course #: 2689

Term: 2021FA

Faculty: Westfahl, Scott; Yi, Daniel

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Mon 7:15 PM - 9:15 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

Students participating in this Legal Innovation Through Design Thinking seminar will have the opportunity to:

work collaboratively in small teams;

learn and apply design thinking principles to address a meaningful challenge faced by a specific legal organization;

work directly with the legal organization sponsoring the team's challenge and propose a design-based solution to the organization's challenge at the end of the semester.

Project sponsors in the past have included the U.S. Department of Justice, a legal services organization helping immigrant children with legal issues; a nonprofit lawyer professional development organization; an HLS Clinic and the HLS Career Services Office. Challenges have ranged from such issues to improving access to justice; designing a better client interview experience; and re-imagining a client's knowledge sharing platform and systems to dramatically improve and help scale their impact in helping underprivileged clients.

The course will begin with an introduction to innovation and brainstorming in small teams, team dynamics, and preparing teams to innovate together successfully. The goal is to understand what makes for well-functioning teams and how such teams can more quickly and more effectively reach innovative breakthroughs. We will then delve more deeply into the art and practice of human centered design to help teams work with their project sponsors to develop their innovative proposals to address their sponsors' challenges. The project sponsors will help students understand and frame the challenge to be addressed, and then will provide teams with feedback on prototypes and ideas as the design process of their innovative solution unfolds. Course instructors will coach teams and also help prepare them for their final presentations by building students' presentation and business idea/pitch skills. Teams will make their final presentations to, and receive feedback from, their peers, project sponsors and a panel of "judges" - outside experts with deep subject matter expertise and experience.

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Legal Profession

Course #: 2169

Term: 2022SP

Faculty: Gordon-Reed, Annette

Credits: 3.00

Type: Legalprof

Subject Areas: Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times:

Location

Tue 4:30 PM - 6:00 PM

Mon 4:30 PM - 6:00 PM

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?

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Legal Profession

Course #: 2169

Term: 2021FA

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 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?

Note: This course is only available to JD 3Ls and LLM students.

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Legal Profession

Course #: 2169

Term: 2022SP

Faculty: Kaufman, Andrew

Credits: 3.00

Type: Legalprof

Subject Areas: Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times:

Location

Mon 10:45 AM - 12:15 PM

Tue 10:45 AM - 12:15 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 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?

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Legal Profession

Course #: 2169

Term: 2021FA

Faculty: Wilkins, David

Credits: 4.00

Type: Legalprof

Subject Areas: Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times:

Location

Mon 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

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

Prerequisites: 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 is only available to JD 3Ls and LLM students.

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Legal Profession

Course #: 2169

Term: 2022SP

Faculty: Dacey, Timothy

Credits: 3.00

Type: Legalprof

Subject Areas: Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times:

Location

Mon 1:45 PM - 3:15 PM

Tue 1:45 PM - 3:15 PM

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.

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Legal Profession

Course #: 2169

Term: 2021FA

Faculty: Wacks, Jamie

Credits: 3.00

Type: Legalprof

Subject Areas: Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times:

Location

Thu 10:45 AM - 12:15 PM

Fri 10:45 AM - 12:15 PM

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

Prerequisites: None

Exam Type: In Class

This course will explore the rules and the standards of professional responsibility and legal ethics through the lens of historical and modern examples of the challenges inherent in daily legal practice. We will draw on real world situations that confront lawyers as individuals and as members of larger organizations in a rapidly changing legal market in a variety of settings. We will examine the often competing pressures on lawyers and the standards of ethics that guide legal conduct, including reconciling the duties that lawyers have to their clients, to the courts, and to the bar as a whole. We will consider the ethics of invoking stereotypes and other strategies to advance a clients legal position, including in high profile trials and other narratives. In contemplating the kind of law you wish to practice and the kind of lawyer you want to be, we will explore issues of professional responsibility that arise as lawyers change jobs and areas of focus, in both the civil and the criminal settings, as plaintiff lawyers and defense lawyers, as criminal prosecutors, and as transactional lawyers. We also will consider lawyers professional responsibilities concerning access to justice, and the changing demographics of lawyers and clients. As we navigate each of these topics, we may discuss historical and literary perceptions of lawyers and their roles in society, and how these perceptions may inform your own career paths.

Note: This course is only available to JD 3Ls and LLM students.

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Legal Profession

Course #: 2169

Term: 2021FA

Faculty: Wacks, Jamie

Credits: 3.00

Type: Legalprof

Subject Areas: Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times:

Location

Thu 8:30 AM - 10:00 AM

Fri 8:30 AM - 10:00 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

This course will explore the rules and the standards of professional responsibility and legal ethics through the lens of historical and modern examples of the challenges inherent in daily legal practice. We will draw on real world situations that confront lawyers as individuals and as members of larger organizations in a rapidly changing legal market in a variety of settings. We will examine the often competing pressures on lawyers and the standards of ethics that guide legal conduct, including reconciling the duties that lawyers have to their clients, to the courts, and to the bar as a whole. We will consider the ethics of invoking stereotypes and other strategies to advance a clients legal position, including in high profile trials and other narratives. In contemplating the kind of law you wish to practice and the kind of lawyer you want to be, we will explore issues of professional responsibility that arise as lawyers change jobs and areas of focus, in both the civil and the criminal settings, as plaintiff lawyers and defense lawyers, as criminal prosecutors, and as transactional lawyers. We also will consider lawyers professional responsibilities concerning access to justice, and the changing demographics of lawyers and clients. As we navigate each of these topics, we may discuss historical and literary perceptions of lawyers and their roles in society, and how these perceptions may inform your own career paths.

Note: This course is only available to JD 3Ls and LLM students.

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Legal Profession Seminar

Course #: 2170 **Term:** 2022SP **Faculty:** Wilkins, David; Fong, Bryon **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 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam 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 seminars themes.

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.

Note: This seminar will not satisfy the Professional Responsibility requirement.

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Legal Profession: Collaborative Law

Course #: 2169 **Term:** 2021FA **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: None

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.

Note: This course is only available to JD 3Ls and LLM students.

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Legal Profession: Government Ethics - Scandal and Reform

Course #: 2169 **Term:** 2022WI **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**

Fri 9:00 AM - 12:30 PM

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

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

Prerequisite: None

Exam Type: No Exam

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.

Instead of an exam, a final paper, based upon essay topics selected by the instructors, will be required.

Note: This course is only available to JD 3Ls and LLM students.

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Legal Profession: Public Interest Lawyering

Course #: 2169

Term: 2022SP

Faculty: Wacks, Jamie

Credits: 3.00

Type: Legalprof

Subject Areas: Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times:

Location

Thu 10:45 AM - 12:15 PM

Fri 10:45 AM - 12:15 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 will explore the application of the rules and the standards of professional responsibility and legal ethics to daily legal practice with a focus on public interest lawyers, broadly defined to include lawyers who practice as individuals and as members of public interest law organizations, government organizations, legal aid organizations, and other kinds of non-profit organizations. We will contrast those applications to the implementation of these rules and standards in private practice, including in pro bono cases handled by private attorneys. We will examine the competing pressures on lawyers and the standards of ethics that guide legal conduct, including reconciling the duties that lawyers have to their individual clients, to their organizational clients, to a cause, to the courts, and to the bar. We also will consider lawyers professional responsibilities concerning access to justice, lawyering with limited resources, and the changing demographics of lawyers and clients. We will explore issues of professional responsibility that arise as lawyers change jobs and areas of focus, in civil and criminal settings, government practice, public interest lawyering, legal aid work, and private practice. This course will also address lawyer well-being, self-care, and work-life balance in the face of these changes and challenges.

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Legal Tools for Protecting Democracy and the Rule of Law in America

Course #: 2994

Term: 2022SP

Faculty: Nadeau, Genevieve; Berwick, Ben

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Thu 4:00 PM - 6:00 PM

Course Description: Students who enroll in this offering 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: December 3, 2021. LLM

Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

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.

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Legal Tools for Protecting Democracy and the Rule of Law in America

Course #: 2994 **Term:** 2021FA **Faculty:** Florence, Justin; El-Mallawany, Deana **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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 13, 2021.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

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.

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LGBTQ+ Advocacy Clinic

Course #: 8054 **Term:** 2021FA **Faculty:** Chen, Alexander **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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: Gender Identity, Sexual Orientation, and the Law (3 fall classroom credits).
Students who enroll in this clinic will be enrolled in the required clinical course component by the Office of Clinical and Pro Bono Programs. This course is only offered in the fall. Students who are enrolled in the clinic in the spring must take the course in the fall.
Additional Co-/Pre-Requisites: None.
By Permission: No.
Add/Drop Deadline: August 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

Placement Site: Clinic work is done at the WilmerHale Legal Services Center (Jamaica Plain).
The Harvard LGBTQ+ Advocacy Clinic (the "Clinic") offers students the opportunity to work directly on cutting-edge issues involving LGBTQ+ rights, with a particular emphasis on issues affecting underrepresented communities within the LGBTQ+ community. Clinic offerings include local and national projects covering the spectrum of LGBTQ+ issues. Students will have the opportunity to engage in a range of work encompassing various strategies for advancing LGBTQ+ rights, including impact litigation and amicus work, policy and legislative advocacy, and direct legal services for LGBTQ+ clients. The Clinics work currently includes:

Impact litigation on behalf of transgender and gender non-conforming/gender non-binary people relating to health care access, prisons and jails, shelter systems, and identity documents;
Legislative and regulatory advocacy on behalf of transgender, intersex, and poly communities; and
Policy advocacy and public education on behalf of LGBTQ+ incarcerated individuals and transgender youth.

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2021-2022 Academic Year

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LGBTQ+ Advocacy Clinic

Course #: 8054 **Term:** 2022SP **Faculty:** Chen, Alexander **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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: Gender Identity, Sexual Orientation, and the Law (3 fall classroom credits).
Students who enroll in this clinic will be enrolled in the required clinical course component by the Office of Clinical and Pro Bono Programs. This course is only offered in the fall. Students who are enrolled in the clinic in the spring must take the course in the fall. Note: having taken the Gender Identity and the Law course in Spring 2020 satisfies this co-/pre-requisite requirement. Additional Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: August 27, 2021. LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
Placement Site: Clinic work is done at the WilmerHale Legal Services Center (Jamaica Plain).
The Harvard LGBTQ+ Advocacy Clinic (the "Clinic") offers students the opportunity to work directly on cutting-edge issues involving LGBTQ+ rights, with a particular emphasis on issues affecting underrepresented communities within the LGBTQ+ community. Clinic offerings include local and national projects covering the spectrum of LGBTQ+ issues. Students will have the opportunity to engage in a range of work encompassing various strategies for advancing LGBTQ+ rights, including impact litigation and amicus work, policy and legislative advocacy, and direct legal services for LGBTQ+ clients. The Clinics work currently includes:

Impact litigation on behalf of transgender and gender non-conforming/gender non-binary people relating to health care access, prisons and jails, shelter systems, and identity documents;

Legislative and regulatory advocacy on behalf of transgender, intersex, and poly communities; and

Policy advocacy and public education on behalf of LGBTQ+ incarcerated individuals and transgender youth.

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Lincoln-Douglass

Course #: 3079

Term: 2021FA

Faculty: Levinson, Sanford

Credits: 1.00

Type: Elective

Subject Areas: Legal History

Delivery Mode: Reading Group

Days and Times:

Location

Mon 4:30 PM - 6:30 PM

Course Description: Prerequisite: None

Exam Type: No Exam

More books are said to have been written about Abraham Lincoln than about any other human being. What is perhaps equally remarkable is that a fair number of these books take Lincoln very seriously as a constitutional thinker, perhaps uniquely so at least among American presidents following the period of the Founding. Frederick Douglass never served in an elective office, but he is now regarded as one of the major figures of 19th century American politics and he, too, is taken fully seriously as an analyst of the American constitutional order.

What joins both of these men is not only their abstract interests in American constitutionalism, but the obvious reality that their enduring fame and importance is linked to the single most important reality of the American constitutional order, which is the degree to which it established in the words of the late Stanford historian Don Fehrenbacher, a "slaveholders republic." Lincoln's enduring place as an icon of American civic religion comes not only from his having "saved the Union" by going to war to prevent secession by the slaveholding South, but also from his reputation as "the Great Emancipator." Douglass, on the other hand, is surely the best known fugitive slave in our history and was the most important single orator supporting the abolition of slavery and its handiwork from the 1840s until the 1870s. Many of his speeches and writings not only addressed some of the same issues as did Lincoln, but also, even more directly, Lincoln's actions (and perhaps limitations) as President.

The course can thus be viewed as a dialectical encounter between two key figures in our political and constitutional history. Each of our six weeks together will juxtapose writings of the two.

In order to promote more focused discussion, each of you will be asked (required) to write one "response paper" during a week of your choice, in which you set out what you believe to be the major issues raised by the readings and, just as importantly, the questions you would like to hear your classmates discuss. The papers should be about 600-750 words. No further research beyond the assigned readings will be required (or expected).

Note: This reading group will be held on the following dates: TBD

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Litigating in the Family Courts: Domestic Violence and Family Law Clinic

Course #: 8032 **Term:** 2021FA **Faculty:** Yang, Marianna **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 offering 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 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

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 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.

In addition, the 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.

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.

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.

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Litigating in the Family Courts: Domestic Violence and Family Law Clinic

Course #: 8032 **Term:** 2022SP **Faculty:** Yang, Marianna **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 offering 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: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

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

Students in the Family/Domestic Violence Law Clinic work directly with clients in matters of divorce, custody and visitation, abuse prevention, paternity, child support, guardianship, and second parent adoptions. Under close supervision of the clinical instructor, students manage all aspects of a family law case, including counseling clients, conducting factual investigation and legal research, developing case strategies, conducting and analyzing discovery, and drafting pleadings. In addition, students may have multiple court appearances in both Family and District Courts for motion hearings, restraining orders, pre-trial conferences, and/or status conferences. In addition, students negotiate directly with opposing attorneys, pro se opponents, and in court-mandated "dispute resolution" sessions. In cases scheduled for full trial, students conduct depositions, develop witness and exhibit lists, trial strategies and trial notebook, prepare and conduct direct- and cross-examinations of witnesses, make opening statements and closing arguments, and/or draft post-trial briefs and memoranda. Students may also have the opportunity to prepare and present trainings and workshops on relevant legal issues to health care providers and domestic violence advocates.

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Litigating in the Family Courts: Domestic Violence and Family Law Clinical Seminar

Course #: 2085

Term: 2021FA

Faculty: Yang, Marianna

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Tue 1:45 PM - 3:45 PM

Course Description:

Students who enroll in this offering 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 13, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

The Family/Domestic Violence Law clinical course provides students who are concurrently enrolled in the Legal Services Center Family/Domestic Violence 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.

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Litigating in the Family Courts: Domestic Violence and Family Law Clinical Seminar

Course #: 2085 **Term:** 2022SP **Faculty:** Yang, Marianna **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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: December 3, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

The Family/Domestic Violence Law clinical course provides students who are concurrently enrolled in the Legal Services Center Family/Domestic Violence 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.

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Local Government Law

Course #: 2181 **Term:** 2022WI **Faculty:** Anderson, Michelle **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:00 PM - 4:30 PM

Thu 1:00 PM - 4:30 PM

Fri 1:00 PM - 4:30 PM

Mon 1:00 PM - 4:30 PM

Tue 1:00 PM - 4:30 PM

Course Description: Prerequisites: None
Exam Type: One Day Take-Home
Local governments exert tremendous influence over inequality, race relations, environmental health, political power, and housing and real estate. This public law course will investigate the law of these governments (including cities, counties, and special districts) from four vantage points: (1) local governments within the federalist system, including the balance of power between local, state, and federal governments; (2) horizontal questions of power (including interlocal cooperation and competition, and the creation, expansion, and dissolution of local entities); (3) innovative delegations of local authority to achieve state or local public policy goals; and (4) the nature of local democracy and local finance, including citizen influence over local lawmaking and responses to fiscal distress. Discussions and readings in the course will be situated in locations ranging from rural towns to major metropolises across the country. Active participation in the course and a short writing assignment (in addition to the exam) will be required.

M&A Litigation

Course #: 3009 **Term:** 2021FA **Faculty:** Fried, Jesse **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 6:30 PM - 8:30 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). 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, with a focus this semester on M&A litigation. Most of the sessions will feature leading attorneys and other distinguished practitioners discussing cases, transactions, and current policy issues in M&A and corporate governance more generally.

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Mass Incarceration and Sentencing Law

Course #: 2918

Term: 2022SP

Faculty: Gertner, Nancy

Credits: 3.00

Type: Elective

Subject Areas: Criminal Law & Procedure

Delivery Mode: Course

Days and Times:

Location

Tue 1:45 PM - 4:45 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.

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Mass Media Law

Course #: 2038 **Term:** 2022SP **Faculty:** McCraw, David **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: In Class

The class examines how the First Amendment, in combination with tort law, statutes, and common-law principles, shapes the rights and legal limitations for publishers of news and opinion, in both traditional and digital media. Topics include libel, protection of confidential sources, prior restraints on publication, invasion of privacy by publication, criminal liability for publishing classified information, legal limits on newsgathering, and access to information. It is taught by David McCraw, the lead newsroom lawyer for The New York Times.

Media Images & The Law: Contesting Media in the Modern Era

Course #: 2612 **Term:** 2022SP **Faculty:** Robinson, Stephanie **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This seminar examines mass media depictions and imaging in our increasingly-tumultuous 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. It further considers such relevant and compelling issues as immigration, citizenship, diversity, propaganda and the ultimate role of journalism/news media.

Note: This course is not available for cross-registration.

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Mediation

Course #: 2183

Term: 2022SP

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: Prerequisite: None

Exam Type: No Exam

The primary focus of this experiential learning course is on developing mediation skills — as a mediator and also as an advocate in the mediation process. We will also focus on the theoretical, ethical, and doctrinal dimensions of mediation practice. The primary tool for learning will be weekly role play simulations, for which you will maintain a journal. You will also receive feedback on your performance in the role plays. In addition, we will use reading responses as a springboard for classroom discussion of topics relating to mediation, such as ethics issues, mediator credentialing, and critiques of mediation. Approximately 60% of class time will be devoted to preparing for, conducting, and debriefing mediation role plays using role play facts adapted from actual cases. The remaining 40% will be devoted to classroom discussion of the readings, which are organized thematically in the syllabus.

There is no required text other than photocopied materials.

Some seats are reserved for students in the spring Mediation clinic. Students who claim a clinical seat in this course will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student in a clinical seat drops the spring Mediation clinic, they will also lose their reserved seat in this course. Please note that there is an early drop deadline of TBD for spring clinical students in this course.

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Mediation Clinic

Course #: 8026

Term: 2022SP

Faculty: Mondell, Catherine

Credits: 1.00

Type: Clinic

Subject Areas: Procedure & Practice

Delivery Mode: Clinic

Days and Times:

Location

Course Description: Students who enroll in this offering 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 Clinical Seminar (1 spring 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: Clinic students must complete the entirety of the mandatory basic mediation training with the Harvard Mediation Program (HMP) before or during the semester they participate in the clinic. The training is offered as a two weekend immersive experience and It is anticipated that the training dates for 2021-2022 will be: October 2-3 and October 16-17, 2021 (Fall) OR February 5-6 and February 19-20, 2022 (Spring). For more information regarding the basic mediation training, including confirmed training dates, please visit the Harvard Mediation Program website. Students must be able to participate in the full four days of training (or have previously completed HMP's basic training course) to be eligible to mediate. By Permission: No. Add/Drop Deadline: December 3, 2021.LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.Placement Site: HLS and Boston-area courts. Clinic placements are with the Harvard Mediation Program (HMP), and entail the opportunity to observe and conduct mediations for cases in Boston-area court sessions, including small claims cases and harassment prevention orders. Clinic students will: (1) complete HMPs mandatory basic mediation training; (2) attend court sessions weekly to mediate or observe; and (3) work on projects to support HMPs mediation services and mediation training. The court session commitments are subject to the courts schedules - generally Wednesday, Thursday or Friday morning, or Tuesday afternoon, and usually entail about three hours per session. For more information about this clinic, including training session dates and scheduling information, please visit the Harvard Mediation Program website.

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Mediation Clinical Seminar

Course #: 3025

Term: 2022SP

Faculty: Mondell, Catherine

Credits: 1.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Mon 4:30 PM - 6:30 PM

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

Required Clinic Component: Harvard Mediation Clinic (1 spring 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: Clinic students must complete the entirety of the mandatory basic mediation training with the Harvard Mediation Program (HMP) before or during the semester they participate in the clinic. The training is offered as a two weekend immersive experience and it is anticipated that the training dates for 2021-2022 will be: October 2-3 and October 16-17, 2021 (Fall) OR February 5-6 and February 19-20, 2022 (Spring). For more information regarding the basic mediation training, including confirmed training dates, please visit the Harvard Mediation Program website. Students must be able to participate in the full four days of training (or have previously completed HMP's basic training course) to be eligible to mediate. By Permission: No. Add/Drop Deadline: December 3, 2021. LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

This 1-credit seminar is the required classroom component for students doing work through the Mediation Clinic. Students will read and discuss works related to: the legal, procedural and practical context in which we mediate; frameworks for evaluating the quality and efficacy of our work as mediators; handling challenges to mediator neutrality, impartiality, and ethics; working with parties to prepare effective settlement agreements; and understanding the role of party-advocates in a mediation context. 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. Students will submit approximately five short written journal entries reflecting on their mediation experience/observations and the new learning and challenges that they have grappled with while mediating cases, and a final 7-10 page paper in the form of an extended journal entry.

Note: Rather than a one-hour session each week, it is anticipated that this seminar will meet for 1.5-2 hour sessions concentrated in the latter half of the semester, after the required training has been completed.

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Mergers and Acquisitions Workshop: Boardroom Strategies and Deal Tactics

Course #: 2185

Term: 2022WI

Faculty: Gordon, Mark; Chasmar, Katherine

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

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

Mon 9:00 AM - 12:30 PM

Course Description: Prerequisite: Corporations or permission to waive the requisite.

Exam Type: One Day Take-Home

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. 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 there will be at least two mock-strategy, drafting and/or negotiating exercises.

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.

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Migration and Human Rights

Course #: 2784 **Term:** 2022SP **Faculty:** Neuman, Gerald **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Wed 7:15 PM - 9:15 PM

Course Description: Prerequisite: It is recommended that students should already have taken either (1) a human rights law course or clinic, or (2) an immigration or refugee law course or clinic.
Exam: No Exam
This reading group will explore the interface between international human rights law and the regulation of migration (or immigration law). How do, or should, human rights of migrants constrain national policies for migration control and enforcement? Readings will include primary materials from international bodies, which have taken different approaches to these issues, and analyses by scholars and advocates.

Military Law and Justice

Course #: 2418 **Term:** 2022SP **Faculty:** Ryan, Margaret; Hardy, Liam **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Fri 10:45 AM - 12:45 PM

Course Description: Prerequisites: LLMs must have taken or be concurrently enrolled in Constitutional Law or Federal Courts. For students who may have taken applicable courses elsewhere, permission to waive the requisite is required.
Exam Type: No Exam
This seminar will examine constitutional issues in the context of the U.S. military justice system. To that end, students will become familiar with the constitutional and statutory framework establishing that system as well as case law from federal courts analyzing the legal issues that arise from its operation. Over the course of the semester we will examine issues related to the position of an Article I court within the federal system, particularly jurisdiction, as well as areas of constitutional law such as aspects of criminal procedure, Due Process, and First Amendment jurisprudence, albeit in the military context. Finally, while a military background is not necessary to fully engage with the course material, we will examine some issues unique to the military justice system.
The goal of this seminar is to both improve your understanding of constitutional issues as they relate to the military justice system and help you develop an organized framework for approaching legal problems. As such, each topic will begin with the text of the underlying constitutional provision, followed by the text of the relevant statute, and finally the body of case law related to each topic. From time to time, we will also read scholarly articles and advocacy documents that will help put these issues into context.

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Mind and Criminal Responsibility in the Anglo-American Tradition

Course #: 2831 **Term:** 2022SP **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 4:30 PM - 6:30 PM

Course Description: Prerequisites: None
Exam Type: No Exam. Grades will be based upon short responses to weekly readings, a small project and presentation, 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.

Money Design and Inequality

Course #: 3028 **Term:** 2021FS **Faculty:** Desan, Christine **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 4:30 PM - 6:30 PM

Course Description: Prerequisites: The seminar is intended for students who have studied money as a legal institution. Students must have completed one of the following courses previously: Constitutional Law: Money and the Making of American Capitalism; Legal Architecture of Globalization: Money, Debt, and Development; Regulation of Financial Institutions; or Regulation of International Finance; otherwise, students should seek permission from the instructor to waive the prerequisite.
Exam Type: No Exam. Students will submit a final paper (25-40 pages).
Modern societies face an escalating problem: inequality in material wealth, human well-being, and political voice endangers democracy at a fundamental level. This research seminar asks how money's contemporary design may contribute to that predicament.
Money is the legal institution that mobilizes public resources, promotes economic exchange, and dispenses profits. It follows that the design of our monetary architecture configures distribution as well as productivity. The seminar offers students the opportunity for focused research on that issue over the academic year.
In the fall semester, we consider the literature on inequality and review the basic features of the modern monetary architecture. In turn, we sample work by scholars who argue that a particular dimension of modern money's design engenders or increases inequality. In the spring semester, students will present their research on one such dimension. Research projects may be qualitative, quantitative, or historical.

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Music and Digital Media

Course #: 2189 **Term:** 2022SP **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 4:30 PM - 6:30 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.

National Security Law

Course #: 2190 **Term:** 2021FA **Faculty:** Baker, James **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 7:15 PM - 9:15 PM

Course Description: Prerequisite: Enrollment is by permission of instructor. Interested students should email a CV and statement of interest to Mr. Baker at jbaker@law.harvard.edu.

Exam Type: No Exam. Students will be required to write 6 short thought papers during the semester.

This seminar 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.

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Natural Law and Positive Law

Course #: 2192 **Term:** 2022SP **Faculty:** Sargentich, Lewis **Credits:** 1.00

Type: Elective **Subject Areas:** Legal & Political Theory

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Prerequisites: None
Exam Type: No Exam There will be no paper or exam, and class will be graded credit/no credit.
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 law's relation to morality?
Note: This reading group will meet on the following dates: TBD

Natural Resources Law

Course #: 2193 **Term:** 2021FA **Faculty:** Salzman, James **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:15 PM

Tue 10:45 AM - 12:15 PM

Course Description: Prerequisites: None

Exam Type: In Class

This is a survey course on Natural Resources Law. Topics covered include the different legal and policy regimes that have developed over time for the management of fisheries, endangered species, federal public lands, water, and minerals, among others. Special emphasis is given to influences of history, money and science on the management of each resource.

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Negotiation and Diplomacy

Course #: 2733

Term: 2022SP

Faculty: Mnookin, Robert

Credits: 3.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Mon 1:45 PM - 3:15 PM

Tue 1:45 PM - 3:15 PM

Course Description:

Prerequisite: A prior or concurrent Negotiation Workshop is a course prerequisite unless, based on his or her background, a student obtains written permission from one of the instructors.

Exam Type: Any-Day Take-Home. Paper option available with instructor consent.

This course will be co-taught by Professor Robert Mnookin (HLS), Professor James Sebenius (HBS), and Professor R. Nicholas Burns (HKS).

What can we learn from studying great negotiators and diplomats grappling with some of the world's most challenging problems? This course explores how modern diplomacy and negotiation can effectively address seemingly "intractable" international conflicts and overcome barriers to agreement in civil wars, interstate conflicts, as well as in trade and finance. Drawing on in-depth cases, the course will develop diagnostic and prescriptive characteristics of effective negotiation and diplomacy as tools of political, military, economic and financial statecraft.

The course will pay close attention to the "how" of negotiation and diplomacy. How do officials conduct diplomacy at the highest levels? How can leaders most effectively use negotiation, diplomacy and economic and/or military pressure? How can these tools overcome daunting barriers to desired agreements? We will study examples where negotiation and diplomacy succeeded and where they failed. To advance these objectives, the course will draw on case studies about and videotaped interviews with some of recent history's greatest negotiators. In particular, as part of Harvard's American Secretaries of State Project, course faculty have held hours of videotaped discussions with living former Secretaries of State (James Baker, George Shultz, Henry Kissinger, Madeleine Albright, Colin Powell, Condoleezza Rice and Hillary Clinton) about their most challenging negotiations. Through discussion and debate, we will draw out key lessons from this experience. We also expect to make a number of small events featuring high-level visitors (optionally) available to class members.

This course will help students develop and practice negotiation-related skills critical to success in public service as well as in the private sector: deep knowledge of the core issues of our time, analytical thinking, cogent discussion, and effective writing.

Active class participation with cold calling will be the norm. Course readings beyond the case studies will be eclectic and interdisciplinary. Students should attend all classes having done all readings and prepared to engage in discussion and debate. Beyond full class participation, course requirements include two short paper assignments (500 words maximum per paper), and a final exam. With the advance permission of an instructor, each student may choose to submit a 4,000-6,000-word term paper on an approved topic in lieu of the final exam. Grading will be on the basis of the quality and frequency of class participation, the short paper assignments, and the final exam or paper. For Law, Business, and Kennedy School students, the final course grade will be the responsibility of the professor from that school and will be based on the standards of that school.

Note: This course is jointly listed with HBS as 2218 and HKS as IGA-109. The class will be limited to 90 students with the initial expectation of equal numbers of students from each of the Law, Kennedy, and Business Schools.

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Negotiation Workshop

Course #: 2195

Term: 2022WS

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 offering may count the credits towards the JD experiential learning requirement.

Special drop deadline: November 5, 2021

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 October 4, 2021. For more information please visit the course website: <http://hnmcp.law.harvard.edu/application-crossreg/>. 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 the first day. The Workshop will begin at 9:00 am sharp on Tuesday, January 3, 2022. 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 21, 2022.

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

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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 5, 2021. 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.

Originalism and Its Discontents

Course #: 2766

Term: 2022SP

Faculty: Sachs, Stephen

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Mon 8:00 AM - 10:00 AM

Course Description: Prerequisites: (A) One prior course on American constitutional law, and (B) one prior course on constitutional law, federal courts, administrative law, jurisprudence, or legislation / statutory interpretation. This prerequisite may be satisfied by equivalent coursework or waived with permission of the instructor.

Exam Type: No Exam

Originalism is a major school of constitutional interpretation and an important field of study. Legal discussions and public debates regularly feature originalist arguments or criticisms of originalism. To engage these arguments, lawyers and citizens need to weigh the merits of a diverse set of originalist theories. This two-hour weekly seminar, focused on class discussion of the readings and response papers, is designed to acquaint you with originalist and nonoriginalist arguments; enable you to assess their strengths; and give you an opportunity to sharpen your own views.

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Partnership Tax

Course #: 2298

Term: 2022WI

Faculty: Abrams, Howard

Credits: 3.00

Type: Elective

Subject Areas: Taxation

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: Prerequisites: Taxation or permission of the instructor to waive the prerequisite.

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.

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Patent Law

Course #: 2197

Term: 2021FA

Faculty: Fisher, William; Okediji, Ruth

Credits: 4.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; International, Comparative & Foreign Law; Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Mon 10:45 AM - 12:45 PM

Tue 10:45 AM - 12:45 PM

Course Description: Prerequisites: None

Exam Type: 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.

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Patent Trial Advocacy

Course #: 2934 **Term:** 2021FA **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**

Fri 10:45 AM - 12:15 PM

Thu 10:45 AM - 12:15 PM

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

Prerequisites: There are no formal prerequisites, although an understanding of the rules of evidence is assumed for the trial at the end of the course. For this reason, students who are unfamiliar with the rules of evidence are strongly encouraged to take Evidence simultaneously. 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 before a federal judge, 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 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.

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Pathways and Pitfalls: Role of International Human Rights and Constitutional Law in Achieving LGBT Equality

Course #: 3103 **Term:** 2022SP **Faculty:** Guruswamy, Menaka **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisite: None

Exam Type: No Exam

This course will examine the relationship between domestic and international human rights regimes in key LGBT rights litigation, including in the United States, India, Singapore, Kenya and Mauritius.

How does one make change and expand freedom through the litigation process in LGBT rights cases? How do domestic courts, lawyers, petitioners and activists in these litigations understand the potential, differences and utility of international human rights and constitutional law? Importantly, is change in court made through domestic constitutional law or international human rights law? As litigators is it better to frame our claims in court in the language of constitutional rights or civil rights as opposed to international human rights guarantees? In this quest expand freedom what role do international institutions play and what role ought they play?

For instance, to further illustrate these framing and strategic choice we will examine queer rights litigation in the United States in *Lawrence v Texas* and *Obergefell v Hodges*. We will also discuss litigation mounted in India that successfully took down India's 158-year-old sodomy law section 377 of the Indian Penal Code, 1861 in *Navtej Singh Johar v Union of India*. We will also engage two petitions seeking same sex marriage filed in the Delhi High Court in June 2020, in *Vaibhav Jain v Union of India* and *Kavita Arora v Union of India*.

Why were the claims in both these jurisdictions framed as constitutional rights or civil rights and not international human rights? Dr. Guruswamy was part of the team of lawyers that litigated both the sodomy and marriage cases in India and will discuss insights from the litigation. Similarly, litigation and framing choices from other jurisdictions will be debated in class.

This course will invite the principal lawyers, activists, and petitioners involved in cases from around the globe, as well as senior representatives from International LGBT rights organizations to address the class.

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Policing in America: The Good, the Bad and The Ugly

Course #: 2870

Term: 2022SP

Faculty: Umunna, Dehlia

Credits: 2.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Criminal Law & Procedure; Legal & Political Theory; Legal History

Delivery Mode: Seminar

Days and Times:

Location

Mon 7:15 PM - 9:15 PM

Course Description: POLICING IN AMERICA: THE GOOD, THE BAD AND THE UGLY

Law enforcement in the United States plays a critical, often life-altering role in its citizenry's life. More than 19,000 local, state, and federal law enforcement employ close to 450,000 officers. Police officers are involved in the prosecution of the approximately nine million criminal offenses each year and conduct over 11 million arrests. They are also responsible for the deaths of about 950 people per year since 2015.

This seminar examines the establishment, role, and function of police in a democratic society. It will provide a foundation in the history of police and community relationships, police work, police culture/behavior, police discretion and its control, police legitimacy and public support, and community policing, use of force, institutional bias, and racial justice. We will also analyze why law enforcement is such a polarizing issue in society.

Experiences in the class will include conversations with local police commissioners and police officers, touring local prisons or jails, meetings with citizens whose lives have been impacted by their interaction with police officers, and a wide variety of written texts, including essays and case studies.

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Policing the Police

Course #: 2925

Term: 2022WI

Faculty: Kennedy, Randall

Credits: 3.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Human Rights; Legal History

Delivery Mode: Course

Days and Times:

Location

Fri 9:00 AM - 12:30 PM

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

Course Description:

Prerequisites: None

Exam: No Exam

Since the killing of Michael Brown by a police officer in Ferguson, Missouri in August 2014, there has been an upsurge in attention paid to the regulation of police in the United States. Many feel that the legal system is deficient, indeed woefully deficient, in ways that it structures police-civilian interaction. I am particularly interested in police surveillance, stops, frisks, interrogation, arrests, the use of force, and policies facilitating (or thwarting) transparency and responsibility. The course will examine the problems that have given rise to demands for reform and assess reform proposals that have been posited, including what some describe as “abolition” of policing. The reading will be interdisciplinary, including caselaw, legislation, and work drawn from law reviews, criminology, sociology, and political science. I will endeavor to bring to class police officers. I will also endeavor to gain the participation of activists who have been involved in protest, law reform, and other modes of social change. Students who are interested in this class should feel free to send me ideas about topics to explore, readings to examine, and speakers to invite.

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Policy Advocacy Workshop

Course #: 2583 **Term:** 2022SP **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 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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 December 3, 2021 for students in this course enrolled in reserved clinical seats.

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Political Economy and Its Future

Course #: 2390 **Term:** 2022SP **Faculty:** Unger, Roberto Mangabeira; Rodrik, Dani **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 9:30 AM - 11:30 AM

Course Description: Prerequisites: None

Exam: No Exam; Paper in lieu of examination

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.

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Positive constitutionalism and effective government: The U.S. in Comparative Perspective

Course #: 3098

Term: 2022SP

Faculty: Jackson, Vicki

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Tue 7:15 PM - 9:15 PM

Course Description: The conventional understanding of the U.S. Constitution is that it is a “negative” constitution, which provides primarily for what government cannot do, rather than for what government must do. But this account is incomplete, for it was also plainly a purpose of the 1789 Constitution to bring into being a working government that could effectively provide for the general welfare and national defense, while at the same time securing liberty and related rights, and establishing justice. The Constitution’s structural articles include a number of “shall” commands (for example, in Article I that a census “shall be made” every ten years, or in Article II that the President “shall take care that the laws be faithfully executed”). This reading group will explore how there has come to be so much focus on the “negative” aspects of the Constitution, and read leading critiques and defenses of this understanding. Considerable scholarly debate is found over the meaning—positive or negative—of the Fourteenth Amendment’s safeguarding of “the equal protection of the laws”; we will explore such debates and also consider the views of political scientists and historians about the animating purposes of the original Constitution. We will consider the issue of positive constitutionalism both through the perspective of justiciable rights and through the perspective of obligations, whether or not justiciable, that the Constitution imposes on constitutional actors outside the federal courts—including members of Congress and the President, and members of state legislatures and Governors. And we will consider the issue of positive constitutionalism both from the perspective of the Constitution as it originally came into force and from the perspective of the Constitution as it has changed over time. Our discussion will be informed by brief consideration of other constitutional democracies whose constitutions are understood to impose positive duties on government and in which courts take various postures to the possibilities for judicial enforcement of those duties.

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Power: Ethics, Means, Ends

Course #: 3106

Term: 2022SP

Faculty: Feldman, Noah

Credits: 4.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Legal & Political Theory

Delivery Mode: Course

Days and Times:

Location

Thu 1:45 PM - 3:45 PM

Fri 1:45 PM - 3:45 PM

Course Description: Prerequisite: None

Exam Type: Any-day take-home

Paper option available

What is power? And what principles, if any, constrain it's exercise? This multidisciplinary course considers power of many kinds: legal power, political power, economic power, military power, gender power, sex power, race power, cultural power, psychological power, intimate power, and more. It explores the way ethical considerations shape, limit, and transform power. Close readings of important texts and case-based analysis will be used. Socratic method.

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Predatory Lending and Consumer Protection Clinic

Course #: 8035 **Term:** 2021FA **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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 13, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

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

The Predatory Lending/Consumer Protection Clinic combats abuses of consumers by the financial services industry and sellers or financiers of consumer goods, and reversing the negative consequences that can result from those abuses. The Clinic's practice is divided into two parts: a robust general consumer protection practice focused on debt collection, bankruptcy, car financing, utility and credit card debt, and mortgage servicing, and the Project on Predatory Student Lending, which represents students in cases attacking predatory lending by for-profit colleges, including class action litigation, APA litigation, and other complex and federal litigation, as well as policy advocacy.

The Clinic 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, regulators, high cost lenders, abusive debt collectors, car dealers and others who prey upon our clients.

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 Equal Credit Opportunity Act, and federal and state credit repair organization laws.

Students in the Clinic gain extensive experience with a variety of practical skills, including: interviewing clients, analyzing financial documents, drafting complaints, participating in discovery, case strategizing designing and prosecuting high-impact federal and state class action litigation, administrative law and procedure, and occasionally, federal and state policy advocacy.

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 by contacting the instructors before the semester begins. 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 contact Roger Bertling, (617) 390-2572. For more information on the Project on Predatory Student Lending, contact Toby Merrill, (617) 390-2576.

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Predatory Lending and Consumer Protection Clinic

Course #: 8035 **Term:** 2022SP **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).
The Predatory Lending/Consumer Protection Clinic combats abuses of consumers by the financial services industry and sellers or financiers of consumer goods, and reversing the negative consequences that can result from those abuses. The Clinic's practice is divided into two parts: a robust general consumer protection practice focused on debt collection, bankruptcy, car financing, utility and credit card debt, and mortgage servicing, and the Project on Predatory Student Lending, which represents students in cases attacking predatory lending by for-profit colleges, including class action litigation, APA litigation, and other complex and federal litigation, as well as policy advocacy.
The Clinic 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, regulators, high cost lenders, abusive debt collectors, car dealers and others who prey upon our clients.
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 Equal Credit Opportunity Act, and federal and state credit repair organization laws.
Students in the Clinic gain extensive experience with a variety of practical skills, including: interviewing clients, analyzing financial documents, drafting complaints, participating in discovery, case strategizing designing and prosecuting high-impact federal and state class action litigation, administrative law and procedure, and occasionally, federal and state policy advocacy.
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 by contacting the instructors before the semester begins. We will assign students to their preferred practice area subject to clinic needs.
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Predatory Lending and Consumer Protection Clinical Seminar

Course #: 2204 **Term:** 2021FA **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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 13, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

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.

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Predatory Lending and Consumer Protection Clinical Seminar

Course #: 2204 **Term:** 2022SP **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

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.

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Presidential Power in an Era of Conflict

Course #: 2949 **Term:** 2022SP **Faculty:** Eggleston, W. Neil **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 4:00 PM - 6:00 PM

Course Description: Prerequisites: Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment
Exam Type: No Exam

This course will explore the modern exercise of Presidential power in foreign affairs, military and covert actions, domestic affairs, and executive actions. We will consider the Vesting Clause, the Necessary and Proper Clause, and the Take Care Clause; the Presidents war powers, treaties, and other diplomacy; the appointment and confirmation of Officers; the power to grant pardons and commutations; and ethical issues in Presidential administrations. The course will examine the extent of and constraints on Presidential power and the ways in which executive branch conflicts with the other two branches of government are addressed and resolved. While focusing on contemporary issues and recent disputes, the course will draw on historical precedent to give students a grounded and contextual understanding of Presidential power.

Note: This seminar is not available for cross-registration.

Private Equity: Wall Street vs. Main Street?

Course #: 2266 **Term:** 2022SP **Faculty:** de Fontenay, Elisabeth **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 7:15 PM - 9:15 PM

Course Description: Prerequisites: None

Exam Type: No Exam

Private equity represents a significant and growing share of investment and M&A activity worldwide, and is at the center of many pressing issues in finance and financial law. While traditionally lightly regulated, the private equity industry has received increasing regulatory scrutiny, particularly since the global financial crisis of 2008-2009. Legislative proposals such as the Stop Wall Street Looting Act link the industry to current debates over income inequality, the labor-capital conflict, and short-termism in the financial markets. This reading group will attempt to evaluate the major arguments concerning the social welfare effects—both positive and negative—of private equity. After gaining a working understanding of how the private equity industry operates, students will explore the conflicting perspectives of its key constituencies, including private equity sponsors, investors, workers, and regulators.

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

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Private Law Workshop

Course #: 2206 **Term:** 2021FA **Faculty:** Goldberg, John; Smith, Henry **Credits:** 2.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Legal & Political Theory

Delivery Mode: Seminar

Days and Times: **Location**

Wed 1:45 PM - 3:45 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 (hsmith@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.

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Progressive Alternatives: Institutional Reconstruction Now

Course #: 2391

Term: 2022SP

Faculty: Unger, Roberto Mangabeira

Credits: 2.00

Type: Elective

Subject Areas: Legal & Political Theory

Delivery Mode: Course

Days and Times:

Location

Tue 1:45 PM - 3:45 PM

Course Description: Prerequisites: None

Exam: No Exam; Paper in lieu of examination

An exploration of the past and future agenda of progressives, whether self-described as liberals or as leftists. What should they propose, now that they no longer believe in the usefulness of governmental direction of the economy or in the sufficiency of redistributive social programs? A basic concern is the relation of programmatic thought to the understanding of change and constraint.

In the recent historical period, progressives have sought to humanize the established order rather than to reimagine and remake it. Here the main focus is on institutional or structural change in the market system and in democratic politics. Among the themes to be discussed are the nature and future of the knowledge economy, the status of labor vis-a-vis capital, the relation of finance to production, the making of a high-energy democracy that no longer needs crisis to make change possible, and the education required by such economic and political alternatives. A central theme throughout is the content and implications of the idea of freedom.

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.

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Prosecution Clinical Seminar

Course #: 2328

Term: 2021FW

Faculty: Corrigan, John

Credits: 3.00

Type: Elective

Subject Areas: Criminal Law & Procedure; Disciplinary Perspectives & Law; Government Structure & Function; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Thu 5:00 PM - 8:00 PM

Course Description:

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

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

Open to 3Ls only

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 TAW and Evidence. Enrollment is separate from their clinical registration.

By Permission: No.

Add/Drop Deadline: August 13, 2021.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Multi-Semester: This is a fall-winter course (2 fall classroom credits + 1 winter classroom credit).

Please Note: This course will start meeting after the conclusion of fall TAW.

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.

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Public Health Law and Policy

Course #: 2497 **Term:** 2022SP **Faculty:** Greenwald, Robert; Rosenberg, Amy **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

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

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 health and public 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 employs experiential learning techniques, such as role plays, simulations, and discussion posts to spark debate between different sides of often controversial issues. Over the course of a semester, students gain a wealth of hands-on experience in current and emerging health law and policy issues, produce a written policy paper, and develop a range of problem-solving, policy analysis, research and writing, oral communication, advocacy and leadership skills.

Some seats are reserved for students in the spring Health Law and Policy clinic. Students who claim a clinical seat in this course will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student in a clinical seat drops the spring Health Law and Policy clinic, they will also lose their reserved seat in this course. Please note that there is an early drop deadline of December 3, 2021 for spring clinical students in this course.

Enrollment in this seminar is limited to 20

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Public Health Law and Policy

Course #: 2497 **Term:** 2021FA **Faculty:** Greenwald, Robert; Rosenberg, Amy **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

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

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 health and public health 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 employs experiential learning techniques, such as role plays, simulations, and discussion posts to spark debate between different sides of often controversial issues. Over the course of a semester, students gain a wealth of hands-on experience in current and emerging health law and policy issues, produce a written policy paper, and develop a range of problem-solving, policy analysis, research and writing, oral communication, advocacy and leadership skills.

Some seats are reserved for students in the fall Health Law and Policy clinic. Students who claim a clinical seat in this course will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student in a clinical seat drops the fall Health 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 13, 2021 for fall clinical students in this course.

Enrollment in this seminar is limited to 20.

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Public International Law

Course #: 2212 **Term:** 2021FA **Faculty:** Modirzadeh, Naz **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.
Prerequisites: None
Exam Type: Any Day Take-Home
This is an introductory course to public international law. The first part of the course provides a classical foundation to the sources and subjects, as well as key tenets and core concepts, of international law. We will also discuss the role of public international organizations such as the United Nations in developing, interpreting, and shaping the international legal system. The second part of the course will focus on selected topics, including the use of force, international human rights law, international humanitarian law, and international refugee and migration law. These topics may change based on contemporary events and debates. We will also explore critical perspectives from within the field, as well as external challenges to the legitimacy of public international law.

Public International Law

Course #: 2212 **Term:** 2022SP **Faculty:** Blum, Gabriella **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:45 PM - 3:45 PM

Thu 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.
Prerequisites: None
Exam Type: One-Day Take Home
This is an introductory course to public international law. The first part of the course examines the nature, sources, and methods of international law, the relationship between international law and domestic U.S. law, the determination of international responsibility and the resolution of international disputes, and the bases of national jurisdiction over international conduct. In the second part of the course we will study select substantive areas of international law, including the use of force and the laws of war, human rights, international criminal law, and international trade law. Where relevant, the course will follow current events.

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Public Law Workshop

Course #: 2213 **Term:** 2022SP **Faculty:** Manning, John; Minow, Martha **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 4:30 PM - 6:30 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.

Exam Type: No Exam

Students will be required to write weekly questions and one response paper.

The Public Law Workshop reads 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.

Public Problems: Advice, Strategy, and Analysis

Course #: 2398 **Term:** 2021FA **Faculty:** Barron, David; Fung, Archon **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 4:00 PM - 6:00 PM

Course Description: Prerequisite: Instructor permission is required for enrollment. For students who want permission to enroll, please email Professors Barron and Fung expressing why you would like to take the seminar by August 1st. Their emails are archon_fung@harvard.edu and dbarron@law.harvard.edu.

Exam type: No Exam

This is a two-credit jointly taught seminar that is required for students in their third year of the HLS/HKS joint degree program. It will use a series of case studies to examine how to analyze, advise and strategize the resolution of a series of difficult real world public problems at the intersection of law and policy from the vantage point of government decision makers at the city, state and federal levels, as well as from the vantage point of nongovernmental organizations and advocacy groups.

Students enrolled at the Kennedy School who have already received a JD or have completed the first year of law school, or students at the law school who have received a public policy degree or are presently enrolled in a public policy program other than the HKS program may also take this seminar with the permission of Professors Barron and Fung.

Note: This course is jointly-listed with HKS as DPI-562.

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Race & The Law: America's Ongoing Struggle with Changing Conceptions of Race

Course #: 2484 **Term:** 2021FA **Faculty:** Robinson, Stephanie **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:15 PM

Tue 1:45 PM - 3:15 PM

Course Description: Prerequisites: None
Exam Type: No Exam
This course examines key intersections of race, politics, and law within a historical trajectory of evolving conceptions and associated realities of racial identity in American society. Though race has ever been a loaded 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 analyzes these changing representations over time and their associated legal and political manifestations while accounting for the events and ideologies driving this transformation. Accordingly, such relevant factors as the formation of American racial identity, the struggle for racial equality, the impact of traditional civil rights movements, ongoing disparities in criminal justice, changing demographics, evolving issues of race and marriage, anti-immigrant sentiment, relevant economic and political turmoil, and sympathy for the loss of whiteness in traditional national identity will be discussed.
Note: This course is not available for cross-registration.

Race and the Law

Course #: 2051 **Term:** 2022SP **Faculty:** Jenkins, Alan **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

Course Description: Prerequisites: None

Exam Type: One-Day Take-home

This course will explore the role of race and ethnicity in American legal jurisprudence and history. Areas of focus will include changing legal definitions of race, conceptions of lawful and unlawful discrimination, and elements of proof. The class will also explore how extrajudicial dynamics such as social protest, backlash, and popular culture have interacted with constitutional interpretation and enforcement. Discussion will include practical legal applications, critical analysis of cases, and alternative solutions and approaches.

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Reforming the American Constitution

Course #: 3048

Term: 2021FA

Faculty: Levinson, Sanford

Credits: 1.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Legal History

Delivery Mode: Reading Group

Days and Times:

Location

Thu 4:00 PM - 6:00 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

The main impetus for the Constitution of 1787 was the perception, spelled out in the very first paragraph of Federalist 1, that the current system established under the Articles of Confederation was not serving the nation well; by Federalist 15, it would be described as an "imbecilic" system demanding (and justifying) radical transformation. The Framers of the 1787 Constitution scarcely believed they had achieved perfection, however; that is one reason for the existence of Article V, allowing amendment to the Constitution.

The radical flaws of the 1787 Constitution both led to civil war in 1861 and then served as the basis for what were viewed as the corrective changes we sometimes refer to as "the Reconstruction Amendments." The term itself is completely ambiguous: Were they designed to "restore" a Union that had gone amiss by straying from the original plan, or, instead, to create a fundamentally different (and better) Union that was fatally compromised from the outset and thus needed transformation?

Last years version of the course met by Zoom, because the U.S., like the rest of world, was confronting a pandemic. But that year also saw the most important mass movements in the United States in at least a half-century, sparked by the murder of George Floyd in Minneapolis and building on the anger and organization of what has come to be called the Black Lives Matter movement, not to mention an impeachment of the President and the holding of an election that is widely viewed as a potential inflection point for the American constitutional order.

All of these crises and events raise a variety of important legal issues. Some of them can be viewed as "internal" to the existing constitutional order in the United States, i.e., turning on how one defines existing statutes or passages of the Constitution. What is a "High Crime and Misdemeanor" anyway? But there are also those who ask whether the system created by the 1787 Constitution, even as amended and "reconstructed," does not have sufficiently "imbecilic" features to justify significant reform and transformation today. Would we, for example, be better off by having a process for a vote of "no confidence" in a president or even allowing, as in Wisconsin and California, the possibility of a "recall election" that could displace a president from office? Might it even be time to consider replacing "presidentialism" with a parliamentary form of government? (One of the assignments will be a 1980 essay by Lloyd Cutler, President Carters counsel in the White House, titled "To Form a Government," which adopts at least a quasi-parliamentary focus.)

As I write this description, the filibuster in the Senate is the focus of much national attention. Some would argue, though, that the filibuster is simply the tip of the iceberg as to what is wrong, even indefensible, about the Senate and its apportionment of voting power. And, of course, the 2020 census is the trigger for the inevitable reapportionment wars coming up, and those raise obvious issues of law, politics, and political theory.

I am not a neutral party with regard to such discussions. I published a book in 2006, *Our Undemocratic Constitution*, that focused on a number of structural features that could not plausibly be defended under any 21st century theory of democracy. In 2012, I published *Framed: America's 51 Constitutions and the Crisis of Governance*, in which the focus was less on the undemocratic features of the Constitution and more on the sheer fact that more and more of the American public was significantly dissatisfied with the actual operation of the national government, posing the possibility of a genuine "legitimacy crisis." My wife and I published a book in 2017, with a 2nd edition rapidly following in 2019, *Fault*

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Lines in the Constitution, ostensibly directed at teenagers, that set out the threats that, if activated, like geologic fault lines and tectonic plates, could destroy our polity and not only a great city. I have advocated a new constitutional convention as one way of addressing these problems. (The book has been published also as a "graphic novel.")

What is more telling, perhaps, is that for the first time in many years, there seems to be some genuine interest in the possibility of constitutional reform. One of the assignments will be a report by a bi-partisan blue-ribbon commission put together by the American Academy of Arts and Sciences to address Our Common Purpose: Reinventing American Democracy for the 21st Century. The National Constitution Center in Philadelphia has organized three groups, one "liberal," one "conservative," and the last "libertarian," to offer proposed suggestions for constitutional reform, all of which will be topics for discussion. I also chaired a group organized under the aegis of Michael Tomasky, the editor of Democracy, exploring what a constitution suitable to the 21st century might look like, and that text, too, will be assigned.

So our project this semester will be to look at some of the suggested constitutional reforms and to debate their attractiveness. As always, I hope that at least some of Harvard's remarkable cohort of LL.M.s might be interested in the course as well, inasmuch as they would bring a desirable comparativist sensibility to our discussions. One overarching question is how important constitutional forms and structures are anyway, when compared, say, with underlying political cultures or the challenges posed, say, by economic inequality, globalization, or global warming.

Accompanying the question of the desirability of constitutional reform, though, is the quite separate question of whether it is in fact possible, especially if one operates under the constraints of Article V of the Constitution, which requires ratification of any proposed amendments by three-quarters of the 50 states, i.e., 38 states. Theoretically, the thirteen states able to veto any proposed changes could comprise less than 5% of the total American population of approximately 340,000,000 people. Thus the last of our six sessions will be devoted entirely to this very practical problem (and the comparative question, of course, is how easy or hard it is in some other countries or any given American state to effectuate significant constitutional change).

Reading courses, of course, have no exams or extensive writing requirements. I do, however, ask that all of you submit, over the course of our time together, a single "response paper" of approximately 600-750 words to the readings assigned for the particular week of your choice. A major purpose of these papers is to provide an agenda for our discussions. That is, you should focus on whatever you regard as the most interesting aspects of the particular reading, about which you would be particularly benefit from some collective conversation.

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

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Regulation of Financial Institutions

Course #: 2219

Term: 2021FA

Faculty: Jackson, Howell

Credits: 4.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Wed 8:00 AM - 9:30 AM

Thu 8:00 AM - 9:30 AM

Fri 8:00 AM - 9:30 AM

Course Description: Prerequisite: None

Exam Type: Last Class Take-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 question distributed after the last class and designed to give students an opportunity to reflect upon some of the broad themes we will explore over the course of the semester.

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. The course is structured to give students a broader overview of financial regulation in the United States.

In the Fall of 2021, a particular focus of the course will be to consider the extent to which the Biden Administration and its appointees have changed regulatory policies from those of the previous administration or in response to the COVID-19 Pandemic. We will also focus on recent developments in Fintech and supervisory practices.

Readings will primarily be from Barr, Jackson & Tahyar, *Financial Regulation: Law and Policy* (Foundation Press 3rd ed. 2021) though some supplemental materials will be posted to the courses Canvas website, including several case studies posing issues of current policy concern.

If scheduling permits, the course will meet for thirty-two sessions of an hour and thirty minutes, with classes ending by Thanksgiving Break. The meeting dates will be posted on Canvas before the start of the semester.

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Research Seminar in Law, Economics, and Organizations

Course #: 2157 **Term:** 2021FA **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 1:45 PM - 3:45 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.

Research Seminar in Law, Economics, and Organizations

Course #: 2157 **Term:** 2022SP **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 1:45 PM - 3:45 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).
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Research Seminar in Law, Economics, and Organizations

Course #: 2157 **Term:** 2021FS **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 1:45 PM - 3:45 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.

Restorative and Transformative Justice

Course #: 2654 **Term:** 2021FA **Faculty:** Lanni, Adriaan **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Prerequisite: None
Exam Type: 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.

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Roe at 50

Course #: 3080

Term: 2022SP

Faculty: Ziegler, Mary

Credits: 1.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Disciplinary Perspectives & Law; Health Law; International, Comparative & Foreign Law; Legal History

Delivery Mode: Reading Group

Days and Times:

Location

Tue 4:30 PM - 6:30 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

On the cusp of the fiftieth anniversary of *Roe v. Wade*, abortion law casts a particularly long shadow over modern American constitutional jurisprudence, sparking doctrinal debates about everything from standing to stare decisis, shaping the process of Supreme Court nominations, and illuminating discussion about how the courts can-and cannot-produce social change. As important, policymakers in a wide variety of jurisdictions have used American abortion law as a touchstone in rethinking their own rules, evaluating the role of the courts, the nature of constitutional rights, and the intersection of constitutional law and party politics. At the same time, the lessons of the past several decades of domestic abortion law have remained hotly contested.

In this one-credit reading group, we will study, map, and evaluate the law, history, and medical practice of abortion in America in the decades since *Roe v. Wade*. We will discuss not only the evolution of case law but also its relationship to medical norms, party politics, social and racial justice, and broader discussions of social-movement strategy. We will explore how American law has served as both an inspiration and a cautionary tale for other nations reconsidering their rules on abortion. We will evaluate the way that *Roe* has come to stand for a broad variety of ideas about sex, reproduction, science, and the judiciary. By looking at the law through the lens of the abortion debate, the class will explore broader questions about what explains legal polarization and how social movements can (and cannot) use the law to overcome it.

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

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Roman Law

Course #: 2223 **Term:** 2021FA **Faculty:** Donahue, Charles **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:45 AM - 12:15 PM

Wed 10:45 AM - 12:15 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.
Prerequisites: None
Exam Type: No Exam
An introduction to Roman law that combines a survey approach with one that focuses in some depth on topics in Roman private law that raise important substantive, comparative, and methodological issues. The emphasis throughout the course is on the relationship between the Roman legal system and the social, economic, and political aspects of Roman life. The course is organized in four large blocks. The first surveys the history of Roman legal institutions, sources of law and procedure from the Twelve Tables (451–450 BC) to Justinian (527–565 AD). The second surveys Roman private law (the law of persons, property, succession, contracts, and delicts) in the classical period (roughly, 100 BC to 240 AD). The third explores law and society in the archaic period (roughly, 500 BC to 250 BC). The fourth explores selected topics in the classical period that illustrate the work of the Roman jurists and their method. All materials will be in English translation. A short paper during the semester will be required and two short ‘take-home’ papers during the reading and exam periods.

Securities Regulation

Course #: 2224 **Term:** 2021FA **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**

Mon 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

Course Description: Prerequisites: Most students find it helpful to have completed or to take concurrently a course in Corporations before taking Securities Regulation.

Exam Type: 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.

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Securities Regulation

Course #: 2224

Term: 2022SP

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 8:00 AM - 9:30 AM

Thu 8:00 AM - 9:30 AM

Course Description: Prerequisite: None

Exam Type: Last Class Take-home

In Class and Participation in Blog Postings. In addition to an in-class examination, students will be asked to participate in blog postings on a range of topics of current interest at the Securities and Exchange Commission.

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 and to disclosure and other requirements imposed on public companies under the Securities Exchange Act of 1934. We will then turn to SEC supervision of securities firms and oversight of capital markets. 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.

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Seeing Criminal (In)Justice: Examining the Interplay of Visual Media, Storytelling and Criminal Law

Course #: 2984 **Term:** 2021FA **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**

Thu 4:00 PM - 7:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

As America reckons with the profound injustices of mass incarceration, this course looks at the narratives that drive our perceptions of criminal law. Together, we will explore different approaches to understanding how visual storytelling, particularly in the form of documentary film, can shift the way we understand criminal legal narratives. 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. These forms of visual media command a unique ability to evoke empathy and to make persuasive claims about truth. But such capability can also distort and mislead. It can present its truths as objective, obscuring critical questions about identity, perspective, and power. Grounded in this understanding, we will embark on a project of "media literacy," exploring questions around audience, authorship, truth, and (in)justice.

Additional time reserved for viewing films.

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Semester in Human Rights

Course #: 8042 **Term:** 2021FA **Faculty:** Farbstein, Susan **Credits:** 6.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Class Component: Human Rights Careers: Strategic Leadership Workshop (2 fall classroom credits). Once a student is accepted into this clinic, the Office of Clinical and Pro Bono Programs will enroll them in the required course.
Additional Co-/Pre-Requisites: 3Ls only; prior semester of the International Human Rights Clinic.
By Permission: Yes. Applications are due by May 12, 2021.
Add/Drop Deadline: May 31, 2021.
LLM Students: Due to the pre-requisite, LLM students are not eligible to apply.
Placement Site: HLS.
This will be a full-time clinic option for up to 2 students in the International Human Rights Clinic (IHRC) in Fall 2021. Students will enroll in 10 credits total with the Clinic for the semester (see breakdown below), with requirements as follows:

By application (Deadline: April 23, 2021).

Limited to 3Ls who have previously spent at least one semester in the IHRC.

Students will take the fall course, Human Rights Careers: Strategic Leadership Workshop (2 fall classroom credits).

Students will work full-time in the Clinic on one or more projects (6 clinical credits).

Students will take independent writing credits under the supervision of an IHRC clinician, with a focus on a topic of relevance to either the clinical work or the seminar (2 writing credits).

Full-time clinic students will also be given additional responsibilities, serving as student team leaders who assist in making strategic decisions and in supporting the work of other students on a given project.

In addition to the 10 credits enrolled through the Semester in Human Rights, students may also enroll in additional seminar or course (of 2 or 3 credits) related to their area of focus. In their applications (see below for details), students should identify any such seminar or course and explain how it is relevant to their focus for the semester.

Additional Logistics:

Students who are accepted into the Semester in Human Rights will also register for 2 writing credits. To register for writing credits, students should fill out the JD Option 1 Written Work form and submit to Maggie Bay in Office of Clinical and Pro Bono Programs (mbay@law.harvard.edu).

Applications for the Semester in Human Rights, with a current CV and a statement of interest, should be addressed to Susan Farbstein and Tyler Giannini, and sent to Marie Sintim (msintim@law.harvard.edu).

Please address the following questions in your statement of interest:

How will the intensive focus of a full-time semester in human rights benefit you personally?

How will the full-time semester build on your prior experience in and commitment to human rights, whether in a clinic, summer placement, pre-law school employment, etc.? How and why are you prepared for this option?

What are your post-graduate career plans, and how will the full-time semester better prepare you for your intended career path?

What project(s) do you propose to work on, and why is the full-time option necessary for the project(s)? If you do not have a particular project in mind, what issues or skills do you propose to focus on and why?

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What will be the added value of enrolling full time?

How will the different components (advanced class, clinical projects, independent writing) complement each other and form a coherent and intensive term?

Sex Equality

Course #: 2226

Term: 2021FA

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

Mon 7:15 PM - 9:15 PM

Tue 7:15 PM - 9:15 PM

Wed 7:15 PM - 9:15 PM

Course Description: Prerequisites: None

Exam Type: Any Day Take-Home (open book), or 3 short papers throughout the term for lottery-selected group of 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 transgender issues 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.

Note: This course will meet from 10/18/21 through 11/29/21.

Drop Deadline: October 19, 2021 by 11:59 pm EST

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Shareholder Activism

Course #: 2246

Term: 2022SP

Faculty: Barzuza, Michal

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Seminar

Days and Times:

Location

Wed 4:30 PM - 6:30 PM

Course Description:

Prerequisites: Corporations

Exam Type: No Exam

The seminar will discuss the various emerging forms of shareholder activism, including activist hedge funds, index funds stewardship, and shareholder proposals. We will cover academic and practical materials, as well as recent developments and pending policy proposals.

Students will submit weekly comments on assigned readings.

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Special Education Advocacy for Students Impacted by Trauma

Course #: 2993

Term: 2021FA

Faculty: Gregory, Michael

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Thu 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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: Early drop of August 2, 2021.
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 10, 2021 from 1:00-4:00pm.

In this seminar associated with the Education Law Clinic: Individual Representation 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 low-income 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; engaging in oral advocacy at the school level and/or in administrative appeals; 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 pre-hearing 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 construct compelling narratives and 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 about the impact that traumatic experiences can have on childrens 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 clinic 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.

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Sports and the Law: Examining the Legal History and Evolution of America's Three "Major League" Sports: MLB, NFL and NBA

Course #: 2229 **Term:** 2021FA **Faculty:** Carfagna, Peter **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:45 PM - 3:45 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 introductory 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 three major sports and compare/contrast the similarities and differences among them, from a historical legal perspective.

Other professional sports, including hockey and soccer, will also be discussed via updated links to the most relevant Sports Law news, which links will be provided prior to each class.

Specifically, it will evaluate the legal evolution of America's "three major leagues" and examine how the Supreme Court's, other courts', and arbitrators' landmark decisions have affected the path of each league's progress.

Additionally, this course will address contemporary Sports Law topics, including COVID-19's impact upon the three major leagues, the recently executed 2020 NFL Collective Bargaining Agreement, and the world of esports (professional video gaming).

"Reflection Papers" will be assigned on a periodic basis (2-3 Papers in total), on the then most-relevant Sports Law topics, in preparation for the Final Exam. "Discussion Posts" will also be included on 2-3 topics of the then-greatest relevance to the course.

Guest Speakers with unique Sports Law expertise will be invited to help guide class discussions on selected topics throughout the course.

Enrollment is available to second year, third year and LLM students. For JD students who take this course, independent writing projects can be pursued on any topic in the course for an additional one, or possibly two, credits.

Students taking this course and who are interested in sports law clinical placements during winter or spring are strongly encouraged to enroll in the 2-credit fall "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;

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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 9 weeks.

Students who are interested in the winter or spring 2022 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."

Sports and the Law: Representing the Professional Athlete

Course #: 2230 **Term:** 2022WI **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 1:00 PM - 4:00 PM

Tue 1:00 PM - 4:00 PM

Wed 1:00 PM - 4:00 PM

Thu 1:00 PM - 4:00 PM

Fri 1:00 PM - 4:00 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.

Note: This course will meet for the first two weeks of the term.

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.

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Sports Law Clinic

Course #: 8028 **Term:** 2022SP **Faculty:** Carfagna, Peter **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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. Clinic priority will be given to students who take the Advanced Drafting course, due to the fact that most clinic placements require the hands-on negotiating and drafting skills covered in the context of studying a wide variety of Sports Venue Marketing/Sponsorship Agreements. Highest priority will be given to students who take the Advanced Drafting course and the Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA course, which is annually updated to cover the current cutting-edge issues in Sports and the law.
Additional Co-/Pre-Requisites: The following courses do not have any seats reserved for clinical students: Sports Law: Advanced Contract Drafting (fall 2021); Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA (fall 2021); Sports and the Law: Representing the Professional Athlete (winter 2022).
By Permission: Yes. The deadline to apply is October 8, 2021. Please see below for additional instructions. Add/Drop Deadline: December 3, 2021.
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.
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 8, 2021. 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.

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Sports Law Clinic

Course #: 8028 **Term:** 2022WI **Faculty:** Carfagna, Peter **Credits:** 2.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering 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. Clinic priority will be given to students who take the Advanced Drafting course, due to the fact that most clinic placements require the hands-on negotiating and drafting skills covered in the context of studying a wide variety of Sports Venue Marketing/Sponsorship Agreements. Highest priority will be given to students who take the Advanced Drafting course and the Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA course, which is annually updated to cover the current cutting-edge issues in Sports and the law. Additional

Co-/Pre-Requisites: The following courses do not have any seats reserved for clinical students: Sports Law: Advanced Contract Drafting (fall 2021); Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA (fall 2021); Sports and the Law: Representing the Professional Athlete (winter 2022). By Permission: Yes. The deadline to apply is October 8, 2021. Please see below for additional instructions. Add/Drop Deadline: November 12, 2021.LLM Students:

International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.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 8, 2021. 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 (pcafagna@law.harvard.edu). Please note that your application materials may be sent to placement organizations during the selection process.

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Sports Law: Advanced Contract Drafting

Course #: 2349 **Term:** 2021FA **Faculty:** Carfagna, Peter **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 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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 Independent Writing credits 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.

Note: The last class session will be held on TBD.

This course fulfills the pre-requisite for the Sports Law Clinic. Students who enroll in this course will also be given priority admittance to the Sports Law Clinic. Please see the clinics description or review the Sports Law Clinic Guide for more information.

Students taking this course and who are interested in sports law clinical placements during winter or spring are also encouraged to enroll in the fall "Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA."

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State Constitutional Law

Course #: 2507 **Term:** 2022WI **Faculty:** Bowie, Nikolas; Sutton, Jeffrey **Credits:** 2.00

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

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

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.

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State Energy Law

Course #: 2974

Term: 2022SP

Faculty: Peskoe, Ari

Credits: 2.00

Type: Elective

Subject Areas: Environmental Law; Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Tue 1:45 PM - 3:45 PM

Course Description:

Prerequisite: None

Exam Type: No Exam The course will require one short paper (2-3 pages) and one research paper about a topic of the students choosing.

States play a leading role in forging our nations energy policy. State regulatory authority over the energy industry is pervasive, from resource extraction to utility ratemaking. This course 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. Topics will include: regulation of electric utilities, infrastructure siting, renewable energy development models, oil and gas production, transportation, and constitutional limits of state authority.

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Strategic Litigation and Immigration Advocacy

Course #: 3018 **Term:** 2022SP **Faculty:** Ardalan, Sabrineh; Torrey, Philip **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:45 AM - 12:45 PM

Course Description: There is perhaps no other area of law that has been more profoundly altered in the last few years than immigration. The field has seen dramatic shifts in enforcement priorities, executive action, state and local responses, and courts willingness to weigh-in on issues that they had previously refuse to opine on. The goal of this course is to teach students how to develop and reflect on creative litigation and policy advocacy strategies in a range of different contexts.

The course will leverage the experience and expertise of Harvard Immigration and Refugee Clinical Program (“HIRC”) attorneys along with their community partners to explore the multitude of ways immigration policies can be challenged and reshaped. Case studies will include the Muslim Ban, efforts to end Temporary Protected Status, new rules restricting asylum protection, state and local “sanctuary” policies, community organizing and empowerment, and media as an advocacy tool.

The course will explore challenges to precedent through appellate litigation, strategic litigation in district court and administrative tribunals, policy-making at the state and local levels, and different approaches to influencing policy makers and the public. Many of these strategies build upon HIRC’s long-standing commitment to changing the law from the bottom up.

In addition to class discussion, simulations, and other interactive classroom modules, the course will feature guest lectures from community partners and advocates with whom HIRC has worked on various litigation and policy advocacy projects.

Please Note: This spring course serves as the clinical seminar requirement for the spring 2022 Harvard Immigration and Refugee Clinic. All students participating in the spring clinic are required to enroll in this course. If you are enrolled in the clinic, the Office of Clinical and Pro Bono Programs will take care of your enrollment in this course. If you choose to drop the spring clinic, you will also lose your seat in this required course. Students who are enrolled in this course through the clinic have an early drop deadline of December 3, 2021.

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Supreme Court Decision Making

Course #: 2505

Term: 2021FA

Faculty: Singer, Joseph

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Tue 7:15 PM - 9:15 PM

Course Description:

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

Prerequisites: None

Exam Type: No Exam

How do supreme courts decide hard cases? How do they justify the results they reach by persuasive opinions? How do judges on multimember courts attempt to persuade other judges and to reach agreement when cases are hard? How can you write an opinion that not only justifies the result with acceptable reasons but attempts to persuade judges on the other side and to speak to the losing party to explain why they lost? This seminar will enable you to act as a supreme court justice, sit in conference, discuss cases, and write opinions (majority, concurring, and dissenting). Some of the cases will be current cases before the U.S. Supreme Court. Others may have you sitting as a state supreme court deciding an issue of statutory interpretation or common law. We will discuss each case and one student will be assigned to write a proposed majority opinion for that case. After circulating that opinion, other students can write concurring and dissenting opinions and we will discuss the case a second time, using those written opinions as the basis for discussion. The goal is to practice persuasion, oral and written justification, and the art of collective judicial decision making.

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Sustainable Development and International Investment Arbitration: Issues, Policies and Challenges

Course #: 2121 **Term:** 2022SP **Faculty:** Tung, Ko-Yung **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**

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites None
Exam Type: No Exam
Two international legal regimes seem to be at war with each other - the international investment arbitration regime that protects foreign investors against certain measures taken by host states and the global and national regime for sustainable development whose goals include the elimination of poverty, mitigation of climate change and promotion of gender equality and universal health and education. This Reading Group will analyze this clash and explore reforms that may bring these two regimes into coherence to achieve a global common.

International investment is an important driver for economic development, providing jobs, bringing in technology and critical capital. Accordingly, most countries compete vigorously with each other to promote foreign investments into their domestic economy. There are now over 3,000 bilateral and multilateral investment treaties among over 100 countries that promote foreign investments by providing certain protections and treatment to foreign investments. The principal protections are national treatment, most favored nation treatment, fair and equitable treatment, minimum international law standards, and non-discriminatory expropriation. Many of these treaties also include investor-state dispute systems (ISDS) to resolve disputes between the foreign investors and the host countries through binding arbitrations. The number of ISDS cases is ever increasing.

However, ISDS has come under severe criticisms from various quarters. Critics include populists who claim that ISDS favors big foreign investors over domestic companies, environmentalists who charge that foreign investment is favored over the environment, and human rights activists who see foreign investment trumping human rights. Both foreign investors and host states, as well as legal scholars, are dismayed by conflicting arbitral awards without the right of appeal and by the lack of legitimacy of ad hoc private arbitrators deciding public policy issues, impinging on sovereign legislative space.

The reading materials in this Reading Group will identify the goals of sustainable development and explore the nature and consequences of foreign investment in host countries, weigh the policy considerations underlying investment treaties, and analyze arbitral decisions that highlight the conflicting interests between those of the foreign investors and those of the host state and its citizens. We will also study and evaluate the various proposed solutions to these issues that are now recently proffered by various countries, institutions and legal scholars in the field.

Robust interactive discussion. No exam; no paper.

Note: This reading group will meet for six two-hour sessions in March and April.

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Systemic Advocacy for Safe and Supportive Schools

Course #: 2774 **Term:** 2022SP **Faculty:** Gregory, Michael **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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: Early drop of November 26, 2021.
LLM Students: LLM students interested in this clinic should contact 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 (March 3 and March 10). The course will meet on the following dates and times:

Tue, Jan 25, 8 - 10am*

Thu, Jan 27, 1:45 - 3:45 pm

Tue, Feb 1, 8 - 10 am*

Thu, Feb 3, 1:45 - 3:45 pm

Thu, Feb 10, 1:45 - 3:45 pm

Thu, Feb 17, 1:45 - 3:45 pm

Thu, Feb 24, 1:45 - 3:45 pm

Thu, Mar 24, 1:45 - 3:45 pm

Thu, Mar 31, 1:45 - 3:45 pm

Thu, Apr 7, 1:45 - 3:45 pm

Thu, Apr 14, 1:45 - 3:45 pm

Thu, Apr 21, 1:45 - 3:45 pm

* = Irregular course meeting time

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. Beginning in the third week of the semester, students will be required to attend a one hour weekly team meeting each Tuesday morning from 9:00-10:00 am.

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 vulnerable students, 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 the art of lobbying. The readings and activities in this seminar are designed to support and encourage reflection on the legislative lawyering skills that students will

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develop and practice in their clinical work, including: identifying and researching a problem, proposing solutions and approaches, developing and drafting a desired legislative remedy, learning who the stakeholders are in the education establishment, accurately assessing the political and legal landscape surrounding the desired remedy, building a vibrant and effective coalition, engaging in oral presentations and negotiations, and analyzing ethical issues that arise in legislative and administrative advocacy. The seminar will also introduce students to distinguished guest speakers from practice. The goal is for students to learn the unique role lawyers can play as part of a movement to create effective remedies for vulnerable students.

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. Class participation is part of the grade for this course.

Talmud for All: Family Law

Course #: 3084

Term: 2021FA

Faculty: Boyarin, Daniel

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Thu 4:00 PM - 6:00 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

In his class we will engage in close reading of sections of the Babylonian Talmud that deal (broadly speaking) in family law. No previous experience or language skills required. Note: This offering is cross-listed with FAS.

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Talmud for All: Jews and Gentiles

Course #: 3084 **Term:** 2022SP **Faculty:** Boyarin, Daniel **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 7:15 PM - 9:15 PM

Course Description: Prerequisites: None
Exam Type: No Exam
In his class we will engage in close reading of sections of the Babylonian Talmud that deal (broadly speaking) in relations between Jews and Gentiles. No previous experience or language skills required.
Note: This offering is cross-listed with FAS.

Tax Policy

Course #: 2758 **Term:** 2021FA **Faculty:** Abrams, Howard **Credits:** 1.00

Type: Elective **Subject Areas:** Taxation

Delivery Mode: Reading Group

Days and Times: **Location**

Wed 7:15 PM - 9:15 PM

Course Description: Prerequisites: Taxation

Exam Type: No Exam

This Reading Group will examine through law review articles some of the major tax policy issues including choice of the appropriate tax base, integration of the corporate and individual income taxes, the capital gain preference, and assignment of income.

Note: This reading group will be held on the following dates: TBD

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Taxation

Course #: 2234

Term: 2021FA

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 1:45 PM - 3:45 PM

Thu 1:45 PM - 3:45 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.

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Taxation

Course #: 2234 **Term:** 2021FA **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 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

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.

Taxation

Course #: 2234 **Term:** 2022SP **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 8:00 AM - 10:00 AM

Tue 8:00 AM - 10:00 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.

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Taxation

Course #: 2234 **Term:** 2022SP **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 8:00 AM - 9:30 AM

Thu 8:00 AM - 9:30 AM

Fri 8:00 AM - 9:30 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.

Taxation of Business Corporations

Course #: 2274 **Term:** 2022SP **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 10:45 AM - 12:05 PM

Tue 10:45 AM - 12:05 PM

Wed 10:45 AM - 12:05 PM

Course Description: Prerequisite: Taxation. Please note, students who completed Corporate Tax A or Corporate Tax B are not eligible to enroll in this course.
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.

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Teaching Copyright

Course #: 2636 **Term:** 2022SP **Faculty:** Fisher, William **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 7:15 PM - 9:15 PM

Course Description: This course has an early drop deadline of December 1.
Prerequisites: 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 2022. Harvard Law School students who satisfy these requirements may enroll by emailing Judith Duvivier-Qashat at jduvivierqasat@law.harvard.edu by November 20. 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 20.
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.

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The Conduct of Life in Western and Eastern Philosophy

Course #: 2392 **Term:** 2022SP **Faculty:** Unger, Roberto Mangabeira; Puett, Michael **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 9:30 AM - 11:30 AM

Course Description: Prerequisites: None

Exam: No Exam; Paper in lieu of examination

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?

This year a major concern will be the study and contrast of two such orientations to existence. One is the philosophical tradition focused on ideas of self-reliance, self-construction, and nonconformity (exemplified by Emerson and Nietzsche). The other is a way of thinking (notably represented by Confucius) that puts its hope in a dynamic of mutual responsibility, shaped by role and ritual and informed by imaginative empathy.

Note: This course is jointly-listed with FAS as GENED 1128 and HDS as 2313.

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The Constitution of the Child

Course #: 3012 **Term:** 2021FA **Faculty:** Dailey, Anne **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 7:15 PM - 9:15 PM

Course Description: Prerequisites: None
Exam Type: No Exam
This seminar will explore the place of children in American constitutional law. We will study how the Supreme Court conceives of children and children's rights within a liberal democratic polity. Some questions we will address are: In what ways are children conceived of as persons and citizens in their own right, and in what ways are they viewed as objects of parental rights or as future adults and citizens? How do race, gender, and income inequality affect our constitutional understanding and treatment of children? What is the family's place in the constitutional structure of government, and what is children's place within the family? Consideration will be given to the role of education in a liberal democracy; the importance of family pluralism; the dangers of indoctrination; the reasonable scope of parental rights; the place of affirmative rights for children; and children's interest in civic and political life. Doctrinal areas covered will include substantive due process, equal protection, free speech, free exercise of religion, procedural due process, the Fourth Amendment, the Eighth Amendment, and, if time permits, Article III.

The Effects of Mass Incarceration: Experiences of Prison and Parole

Course #: 2624 **Term:** 2022SP **Faculty:** Umunna, Dehlia **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 4:30 PM - 6:30 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 \$80 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 seminar 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.

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The International Law of the Sea

Course #: 2958

Term: 2022SP

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 4:00 PM - 7:00 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

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 international law of the sea focuses on the distribution of authority among flag states, coastal states, and port states, and the balance of authority between states and international organizations, to regulate activities over more than 70 percent of the earth.

Sources of law include treaties, cases, norms, and regimes, including the United Nations Convention on the Law of the Sea (UNCLOS), which is the "constitution" for the world's oceans. This area of law is a prominent feature of international politics, evident in disputes from the South China Sea to the Arctic Ocean and the Black Sea.

Topics include rules governing: (1) maritime boundary delimitation, (2) marine environmental protection and climate change; (3) marine biodiversity and sustainable development; (4) naval operations in peacetime and armed conflict at sea; (5) marine resource conservation and fisheries, (6) submarine cables that carry 99 percent of transcontinental communications, (7) commercial shipping that transports some 90 percent of international trade, (8) offshore energy and seabed mineral mining, (9) marine genetic resources, (10) human rights and irregular migration at sea, (11) maritime law enforcement, including piracy, and (12) international litigation and dispute resolution.

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The Jurisprudence of Excellence

Course #: 3087

Term: 2021FA

Faculty: Brewer, Scott

Credits: 2.00

Type: Elective

Subject Areas: Legal & Political Theory

Delivery Mode: Seminar

Days and Times:

Location

Tue 4:30 PM - 6:30 PM

Course Description: Prerequisites: No special background is required. Cross-registrants are welcome. Anyone seeking information about this course should feel free to contact Professor Scott Brewer at sbrewer@law.harvard.edu.

Exam Type: No Exam.

Work for the course consists of class participation and a paper whose topic, to be agreed in consultation with the professor, is fairly related to course topics and discussions.

The inquiry of this course lies at the intersection of the concepts of excellence and contest. Who deserves what, on the basis of what kinds of competitive measures (including for example formal competitions in sports, in litigation, in elections, in academic tests), is one of the most important and contentious issues in contemporary law, politics, and culture. Ancient philosophers from many cultures have offered sustained inquiries into concepts of human excellence and the kinds of contests that ought to be used to measure it. Since that time, ideas about competition, merit, and appropriate reward have been vitally important to political, moral, aesthetic, and legal philosophy.

In this course we carefully consider theories of excellence, merit, and just reward, and the legal regulation of contests in various competitive settings. Such settings include competitions for admission to colleges and professional schools, competitions for rankings (grades) within such schools, competitions for promotion in jobs, competitions in elections and litigation, and competitions among professional and amateur athletes. Readings will be of two basic types. (i) Works in legal theory and philosophy. (ii) Legal materials (administrative regulations, cases, statutes, constitutional provisions, including laws of equal protection and anti-discrimination) that regulate the kinds of competitions described above.

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The New Supreme Court: changing views on the fundamental structure of government

Course #: 3109

Term: 2021FA

Faculty: Eggleston, W. Neil

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Mon 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This course will examine changing judicial views on fundamental questions concerning the structure of government. The new composition of the Supreme Court coupled with the expressed interest of certain of the justices in re-thinking these concepts has led and will lead to the Supreme Court and the Courts of Appeals to re-consider these issues. These disputes will play out in cases addressing the interplay between the branches; between the federal government and the states; and standing and other doctrines that consider the ability of the judicial branch to confront these issues. Students will read very recent cases on these subjects. To the extent that there are cases on the Supreme Court docket that have not been decided, the students may also read the merits briefs and listen to portions of the oral arguments.

Note: This reading group will be held on the following dates: TBD

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The Power of Principled Leadership: A Practical Approach

Course #: 3099

Term: 2021FA

Faculty: DeFilippo, Mandy

Credits: 1.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law

Delivery Mode: Reading Group

Days and Times:

Location

Thu 6:30 PM - 8:30 PM

Course Description:

Prerequisites: None

Exam: No Exam

Can professional success be achieved without "playing politics" or "behaving politically"?

Can behaving ethically, with integrity & principle, be a good strategy for business and professional success?

This reading group explores these questions, with a practical lens: how people in the first 10-15 years of their professional careers can use an ethical, principled approach to develop and exercise leadership skills successfully as junior or middle leaders in their chosen organization or field.

The reading group will feature a cross-disciplinary set of materials: traditional texts from literature, philosophy, classics and the social sciences; case studies and business texts; videos of speeches and talks.

In group discussions, we will explore:

- Thinking strategically, and how it differs from "behaving politically";
- The value of behaving ethically and with integrity in the workplace and in business; and
- Practical challenges and strategies for pursuing an ethical approach, focused on what people encounter in the first 10 to 15 years of their careers.

There are no pre-requisites to this course; no specific background or knowledge is required.

Note: This reading group will be held on the following dates: TBD

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The Promises and Challenges of Disarmament

Course #: 2509

Term: 2022SP

Faculty: Docherty, Bonnie

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component: International Human Rights Clinic (3-5 spring clinical credits). Students enrolled in the spring clinic must enroll in either this clinical seminar or Human Rights Advocacy (2 spring 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 spring clinic and is orchestrated by the Office of Clinical and Pro Bono Programs.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: December 3, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

Placement Site: HLS.

Over the past 150 years, certain weapons have caused so much human suffering that the international community has taken steps to regulate or ban them. The most important method of disarmament has been treaty law although judicial opinions and national measures have played a role as well. This seminar will introduce students to different approaches to disarmament and various means to achieve them.

The seminar will begin by identifying the kinds of problems posed by a range of weapons and the need for weapons-specific treaties. It will then analyze three main approaches to disarmament: traditional disarmament, which is driven by national security interests; arms control, which restricts proliferation and stockpiles; and humanitarian disarmament, which focuses on civilian concerns. The seminar will consider how to achieve disarmament by discussing different treaty-making processes, strategies for promoting regulations or bans, the intricacies of crafting a convention, and the steps needed to fulfill an adopted treaty's promise. To conclude, the seminar will examine new disarmament challenges, asking what types of weapons should be dealt with in the future and how.

In addition to being exposed to the substance and strategies of disarmament, students will build advocacy skills by doing fact-finding and treaty negotiation simulations. A spring clinical practice component is required of all students. Clinical placements are with the International Human Rights Clinic.

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The Rise of ESG in Corporate Law & Governance

Course #: 3111

Term: 2022SP

Faculty: Barzuza, Michal

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Wed 8:00 AM - 9:30 AM

Thu 8:00 AM - 9:30 AM

Course Description:

Prerequisites: None

Exam Type: No Exam

The Course will cover the recent rise of ESG in corporate law. Topics we will cover include Business roundtable announcement; CEOs activism; Board diversity (CA law, Nasdaq proposed rules; Index funds activism, NYC comptroller diversity project); Climate activism; Employees rights; ESG & Value (research on the relationship of ESG and firm performance) ; ESG & Fiduciary duties (board and investment managers duties); Demand for ESG (consumers, investors, employees); ESG & Millennials; Stakeholderism; ESG & compensation design; ESG & compliance (board oversight).

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The Role of the State Attorney General

Course #: 2237 **Term:** 2021FA **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 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component: Government Lawyer: Attorney General Clinic (fall, winter or spring semester). Students who enroll in any of these three clinic offerings 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: August 13, 2021 for fall students; August 27, 2021 for winter and spring students.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

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.

Students admitted into the fall or spring clinic must complete a security clearance for Massachusetts in advance of starting clinical work. Fall and spring clinical students are also required to attend three to four additional non-credit evening seminars that are facilitated by the Assistant Attorney General intern coordinator. For additional information, please see the clinic descriptions.

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The Rule and The Exception

Course #: 3039 **Term:** 2022SP **Faculty:** Chiao, Vincent **Credits:** 2.00

Type: Elective **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Disciplinary Perspectives & Law; Legal & Political Theory

Delivery Mode: Seminar

Days and Times: **Location**

Thu 4:00 PM - 6:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

What is required for you to be treated as an individual by the law? When should we insist that public officials treat you as an individual, and when should we instead value generality, rule-following, and blindness to individual circumstance? In this course, we will consider these questions across a range of legal and philosophical contexts. Topics will include, inter alia, anti-discrimination, the rule of law, individualized vs. statistical evidence, criminal sentencing, and algorithmic decision-making in law.

The Security Council

Course #: 3081 **Term:** 2021FA **Faculty:** Modirzadeh, Naz **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Fri 1:45 PM - 3:45 PM

Course Description: Prerequisites: Public International Law

Exam Type: No Exam

The United Nations Security Council is at the heart of the post-WWII international order. It is often referred to as the world's executive, but it is also increasingly exercising legislative power. Its discretion is extensive, if not unlimited. Its power is ostensibly justified, as states have conferred to it the primary responsibility for the maintenance of international peace and security. Has the Council lived up to this weighty challenge?

In this reading group, we will explore this question by examining several contemporary legal and policy issues concerning the Security Council. These may include questions of war and peace, proposals for Council reform, pandemic response, terrorism, and others (including potentially issues developing in real-time during the semester).

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

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The Sugya in The Babylonian Talmud

Course #: 3085 **Term:** 2021FA **Faculty:** Boyarin, Daniel **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:45 PM - 3:15 PM

Tue 1:45 PM - 3:15 PM

Course Description: Prerequisites: Permission of the instructor or a certain amount of experience with the Talmud. Ability to prepare the text in the original language.
Exam Type: No Exam
We will be studying the second chapter of Pesachim in depth and especially attempting to analyze the structure of the sugya.

Note: This course is cross-listed with FAS.

The Supreme Court as a Lawmaking Institution

Course #: 3108 **Term:** 2021FA **Faculty:** Fallon, Richard **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites: Constitutional Law

Exam Type: No Exam

Although the Supreme Court is ostensibly subject to the same Article III constraints as other federal courts, it is in many respects a lawmaking institution, crafting rules and establishing frameworks for lower courts to apply. This seminar will examine the Court's distinctive roles — as gauged in comparison with those of the lower federal courts — from a variety of perspectives. Reading assignments may draw on literatures in analytical jurisprudence (in what sense or senses is the Court a lawmaker?), normative constitutional theory (how, methodologically, should the Court approach the hard cases that come before it?), positive political theory (to what extent and through what mechanisms are the Justices influenced by public opinion and currents in electoral politics?), and institutional design (should the Court be reformed from the outside, either through constitutional amendment or congressional legislation?).

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Trademark and Unfair Competition

Course #: 2462

Term: 2022SP

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

Mon 8:00 AM - 9:30 AM

Tue 8:00 AM - 9:30 AM

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.

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Transactional Law Clinical Workshop

Course #: 2247 **Term:** 2021FA **Faculty:** Price, Brian **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Students who enroll in this offering 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 13, 2021.
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 the Transactional Law Clinics (TLC). Students in the Workshop will choose to concentrate their clinical practice in one or more TLC practice areas including business, non-profit, entertainment, real estate. 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; start-up law; contract negotiation and drafting; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate and commercial lease transactions; 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 Law 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.

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Transactional Law Clinical Workshop

Course #: 2247 **Term:** 2022SP **Faculty:** Price, Brian **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 4:30 PM - 6:30 PM

Course Description: Students who enroll in this offering 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: December 3, 2021.
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 the Transactional Law Clinics (TLC). Students in the Workshop will choose to concentrate their clinical practice in one or more TLC practice areas including business, non-profit, entertainment, real estate. 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; start-up law; contract negotiation and drafting; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate and commercial lease transactions; 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 Law 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.

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Transactional Law Clinics

Course #: 8031 **Term:** 2021FA **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 offering 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 13, 2021.LLM Students: LLM students are eligible to enroll in this clinic through Helios. Placement Site: HLS. This course is the classroom component of the clinical practice for students enrolled in the Transactional Law Clinics (TLC). Students in the Workshop will choose to concentrate their clinical practice in one or more TLC practice areas including business, non-profit, entertainment, real estate. 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; start-up law; contract negotiation and drafting; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate and commercial lease transactions; 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 Law 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.

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Transactional Law Clinics

Course #: 8031 **Term:** 2022SP **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 offering 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 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: December 3, 2021.

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

Placement Site: HLS.

This course is the classroom component of the clinical practice for students enrolled in the Transactional Law Clinics (TLC). Students in the Workshop will choose to concentrate their clinical practice in one or more TLC practice areas including business, non-profit, entertainment, real estate. 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; start-up law; contract negotiation and drafting; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate and commercial lease transactions; 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 Law 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.

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Transgender Law & Politics

Course #: 2864

Term: 2021FA

Faculty: MacKinnon, Catharine

Credits: 2.00

Type: Elective

Subject Areas: Family, Gender & Children's Law; Government Structure & Function

Delivery Mode: Seminar

Days and Times:

Location

Mon 1:45 PM - 3:45 PM

Tue 1:45 PM - 3:45 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

An examination of the legal, social, and political issues raised by the status and treatment of transgender persons, primarily in the United States. Questions of sex, gender, identity, and discrimination are considered. Issues and cases arising in contexts including employment, health care, marriage, housing, prisons, schools, immigration, and the military are focused.

Note: This seminar will meet from 10/18/21 through 11/23/21.

Drop Deadline: October 19, 2021 by 11:59 pm EST

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Transitional Justice: Dispute Systems Design and Durable Peace

Course #: 3072

Term: 2021FA

Faculty: Dicker, Lisa

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Wed 4:30 PM - 6:30 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

After periods of widespread conflict or repression, the regular justice system of a country is unlikely to be able to deliver an adequate response that provides sufficient redress for victims and heals the society. Transitional justice refers to the judicial and non-judicial processes and mechanisms countries may use to seek to address mass or systemic war crimes and violations of human rights, including prosecutions, truth-seeking processes, reparations programs, and guarantees of non-recurrence, primarily institutional reforms. Practitioners and scholars largely agree that transitional justice is critical to achieving a durable peace and preventing future harms, however, there is no formula for transitional justice and the needs of each context are unique.

This reading group will examine transitional justice through a lens of dispute system design, engaging questions such as:

When should a transitional justice system be established?

When is a context ripe for transitional justice? How can tensions between justice and peace be addressed?

Who should design and implement the transitional justice processes?

Who should be the design decision-makers? Who should be consulted? Who should have ownership of the transitional justice system?

How should a transitional justice system be designed?

Which judicial and non-judicial processes and mechanisms should be used and how should each be designed? How do these processes and mechanisms intersect and interact with each other? What values should be promoted and what remedies should be provided?

When is transitional justice complete and how should the transitional justice system be evaluated?

How do implementers know when transitional justice has been concluded? What metrics can be used to evaluate the successes and shortcomings of a system? All of the above are live and heavily debated questions in the field of transitional justice and will be discussed in the reading group through a combination of readings, country-specific case studies, and a simulation on designing transitional justice. The reading group will also connect with one or more guest speakers who engaged in the design and implementation of transitional justice in their countries.

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

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Trial Advocacy Workshop

Course #: 2249 **Term:** 2021FA **Faculty:** Umunna, Dehlia **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Course Description: Students who enroll in this offering 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 Friday, August 13, 2021

Please note: There will be a mandatory meeting (Date TBD), via Zoom at 12:00 p.m. for all students enrolled in the Fall 2021 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 Dehlia Umunna: dumunna@law.harvard.edu and to Kekely Dansouh: kdansouh@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). If you have concerns regarding the conflicts policy and your schedule, please contact Professor Dehlia Umunna dumunna@law.harvard.edu and Kekely Dansouh: kdansouh@law.harvard.edu.

The Fall Trial Advocacy Workshop will take place beginning Tuesday, September 7, 2021 to Friday, September 24, 2021 (there is no class on Monday, September 6, 2021 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, 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:

During the three-week workshop, students will meet in classroom sessions (large groups and small groups) for simulated trial advocacy exercises from 2:00 p.m. to 6:00 p.m. daily. Each student will be expected to perform each of the assigned exercises each day. These sessions will involve short role-playing assignments for students in various aspects of trial advocacy, evaluations of performances, and occasional demonstrations by members of the teaching team.

Students will have opportunities, individually or in groups, for detailed review or critique of

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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.

Following each day's classroom exercises, students will have the opportunity to meet with the teaching faculty, which consists of experienced judges and lawyers, and will meet with select special guest speakers from 7:00 p.m. to 9:00 p.m. each evening.

Students will participate in two full trials as members of a team of students trying the case. Trial time will include two to four hours of pretrial conferences and five to eight hours of trial performance and critique for each trial. Students will also be expected to serve as witnesses in two additional trials.

Texts: Murray, Basic Trial Advocacy (required), plus multilithed materials and case files.

Trusts and Estates

Course #: 2250 **Term:** 2022SP **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**

Thu 10:45 AM - 12:45 PM

Fri 10:45 AM - 12:45 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).

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Valuing and Modeling M&A and LBOs

Course #: 2678 **Term:** 2022SP **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**

Tue 1:45 PM - 3:45 PM

Mon 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Prerequisites: Admission is by permission only and interested students should send a resume and a cover letter to the instructor at vbosiljevac@law.harvard.edu. The deadline for LLM and upper-level JD applications is November 5. The deadline for 1L applications is November 15. Cross-registrants can apply and should do so by January 20, 2022.
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.
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).

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Venture Law and Finance

Course #: 2252

Term: 2021FA

Faculty: Fried, Jesse

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Thu 10:45 AM - 12:15 PM

Fri 10:45 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.

Note: This course will meet on average of 3 hours per week.

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Veterans Law and Disability Benefits Clinic

Course #: 8039 **Term:** 2022SP **Faculty:** Gwin, Elizabeth; Montalto, Dana **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 offering may count the credits towards the JD experiential learning requirement.
Students who enroll in this offering 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 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: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application. Please Note: LLM students may take this clinic for 2 clinical credits.
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).
The Veterans Law and Disability Benefits Clinic advocates for the rights of veterans, their families, and other low-income individuals with disabilities and ensures that they have the independence, health care, income support, and other benefits that they need and deserve. The Clinic focuses on serving individuals who are marginalized and underrepresented, including individuals with mental health conditions, Military Sexual Trauma survivors, veterans of color, LGBTQ+ veterans, and formerly incarcerated individuals. Students in the Clinic engage in hands-on lawyering and provide direct representation to clients in litigation and non-litigation matters. Through clinical practice, students learn skills such as client and witness interviewing; working with medical experts; gathering evidence; drafting pleadings, motions, briefs, and legal instruments; presenting at evidentiary hearings or oral argument; engaging in negotiation; developing strategic litigation strategies; and solving ethical dilemmas.

Students can select among three projects within the Clinic: (1) the Veterans Justice Project, representing veterans in federal and state administrative and court appeals to challenge wrongful denials of veterans benefits and in military discharge upgrade petitions; (2) the 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) the Safety Net Project, representing clients in administrative and court appeals to challenge wrongful denials of Social Security disability benefits and other safety-net programs.

In representing individual clients, students have opportunities to engage in systemic reform initiatives, such as through strategic litigation and policy advocacy, to improve the lives of veterans with disabilities.

This Clinic is part of the WilmerHale Legal Services Center of Harvard Law School (LSC), a community legal aid office in Jamaica Plain. LSC's diverse clinics provide clinical instruction to second- and third-year law students and serve as a laboratory for the innovative delivery of legal services.

For more information on LSC, this Clinic, our docket, and student learning opportunities, please visit: <https://www.legalservicescenter.org/students-clinics/veterans-legal-clinic/>.

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Veterans Law and Disability Benefits Clinic

Course #: 8039 **Term:** 2021FA **Faculty:** Gwin, Elizabeth; Montalto, Dana **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 offering 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 13, 2021.

LLM Students: Please Note: LLM students may take this clinic for 2 clinical credits. LLM students may apply to the clinic through the LLM General Clinic Application.

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

The Veterans Law and Disability Benefits Clinic advocates for the rights of veterans, their families, and other low-income individuals with disabilities and ensures that they have the independence, health care, income support, and other benefits that they need and deserve. The Clinic focuses on serving individuals who are marginalized and underrepresented, including individuals with mental health conditions, Military Sexual Trauma survivors, veterans of color, LGBTQ+ veterans, and formerly incarcerated individuals.

Students in the Clinic engage in hands-on lawyering and provide direct representation to clients in litigation and non-litigation matters. Through clinical practice, students learn skills such as client and witness interviewing; working with medical experts; gathering evidence; drafting pleadings, motions, briefs, and legal instruments; presenting at evidentiary hearings or oral argument; engaging in negotiation; developing strategic litigation strategies; and solving ethical dilemmas.

Students can select among three projects within the Clinic: (1) the Veterans Justice Project, representing veterans in federal and state administrative and court appeals to challenge wrongful denials of veterans benefits and in military discharge upgrade petitions; (2) the 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) the Safety Net Project, representing clients in administrative and court appeals to challenge wrongful denials of Social Security disability benefits and other safety-net programs.

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law students and serve as a laboratory for the innovative delivery of legal services.

For more information on LSC, this Clinic, our docket, and student learning opportunities, please visit:
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Veterans Law and Disability Benefits Clinical Seminar

Course #: 2520 **Term:** 2022SP **Faculty:** Gwin, Elizabeth; Montalto, Dana **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**

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Students who enroll in this offering 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: December 3, 2021.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

This Clinical Seminar is the companion course for students enrolled in the Veterans Law and Disability Benefits Clinic of the WilmerHale Legal Services Center.

The seminar complements the Clinic's work of advocating for the rights of veterans and other low-income individuals with disabilities and ensuring that they have the independence, health care, income support, and other benefits that they need and deserve. The seminar trains students in essential lawyering skills, including interviewing, building client relationships, fact development, oral argument, and legal ethics, as well as introduces the complex array of legal issues that affect veterans, which involve elements of administrative law, constitutional law, probate law, mental health law, disability law, and civil rights. The seminar also provides a space for students to think strategically about their clients' cases and to consider larger policy frameworks that affect veterans and persons with disabilities.

In the companion clinical course, students provide direct representation to low-income veterans and persons with disabilities, selecting among three projects within the Clinic: (1) the Veterans Justice Project, representing veterans in federal and state administrative and court appeals to challenge wrongful denials of veterans benefits and in military discharge upgrade petitions; (2) the 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) the Safety Net Project, representing veterans and non-veterans with disabilities in administrative and court appeals to challenge wrongful denials of Social Security disability benefits and other safety-net programs.

The Clinic focuses on serving individuals who are marginalized and underrepresented, including individuals with mental health conditions, Military Sexual Trauma survivors, veterans of color, LGBTQ+ veterans, and formerly incarcerated individuals. For more information about the Clinic's docket and student learning opportunities, please visit: <https://www.legalservicescenter.org/students-clinics/veterans-legal-clinic/>.

There is no final examination or final paper for this course. Concurrent enrollment in the Veterans Law and Disability Benefits Clinic is required. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

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Veterans Law and Disability Benefits Clinical Seminar

Course #: 2520 **Term:** 2021FA **Faculty:** Gwin, Elizabeth; Montalto, Dana **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**

Tue 1:45 PM - 3:45 PM

Course Description: Students who enroll in this offering 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: August 13, 2021.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

This Clinical Seminar is the companion course for students enrolled in the Veterans Law and Disability Benefits Clinic of the WilmerHale Legal Services Center.

The seminar complements the Clinic's work of advocating for the rights of veterans and other low-income individuals with disabilities and ensuring that they have the independence, health care, income support, and other benefits that they need and deserve. The seminar trains students in essential lawyering skills, including interviewing, building client relationships, fact development, oral argument, and legal ethics, as well as introduces the complex array of legal issues that affect veterans, which involve elements of administrative law, constitutional law, probate law, mental health law, disability law, and civil rights. The seminar also provides a space for students to think strategically about their clients' cases and to consider larger policy frameworks that affect veterans and persons with disabilities.

In the companion clinical course, students provide direct representation to low-income veterans and persons with disabilities, selecting among three projects within the Clinic: (1) the Veterans Justice Project, representing veterans in federal and state administrative and court appeals to challenge wrongful denials of veterans benefits and in military discharge upgrade petitions; (2) the 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) the Safety Net Project, representing veterans and non-veterans with disabilities in administrative and court appeals to challenge wrongful denials of Social Security disability benefits and other safety-net programs.

The Clinic focuses on serving individuals who are marginalized and underrepresented, including individuals with mental health conditions, Military Sexual Trauma survivors, veterans of color, LGBTQ+ veterans, and formerly incarcerated individuals. For more information about the Clinic's docket and student learning opportunities, please visit: <https://www.legalservicescenter.org/students-clinics/veterans-legal-clinic/>.

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

2021-2022 Academic Year

May 7, 2021 3:20 PM

What's Wrong with Mass Incarceration

Course #: 3077

Term: 2021FA

Faculty: Lewis, Christopher

Credits: 3.00

Type: Elective

Subject Areas: Criminal Law & Procedure

Delivery Mode: Course

Days and Times:

Location

Thu 10:45 AM - 12:15 PM

Fri 10:45 AM - 12:15 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

The virtually unprecedented overall rate at which we lock people up in this country, combined with the extreme concentration of imprisonment among the least well-off, are the twin features of Mass Incarceration. Mass Incarceration has been called the "civil rights struggle of our time"; the "social justice problem of our century"; and a "moral outrage."

But what, exactly, is wrong with Mass Incarceration? And what should be done about it? This course examines a range of answers to these questions using both the empirical tools of the social sciences and the normative and conceptual tools of moral and political philosophy. We will think carefully about the relationship between facts and values in debates about race, class, crime, and punishment. Students will be pushed to develop the strongest possible arguments for positions they may not endorse, and to argue against the perspective of the instructor.

Harvard Law School Course Catalog

2021-2022 Academic Year

May 7, 2021 3:20 PM

White Collar Criminal Law and Procedure

Course #: 2254

Term: 2022SP

Faculty: Apps, Antonia

Credits: 2.00

Type: Elective

Subject Areas: Criminal Law & Procedure

Delivery Mode: Course

Days and Times:

Location

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.

Harvard Law School Course Catalog

2021-2022 Academic Year

May 7, 2021 3:20 PM

Wildlife Law

Course #: 2829

Term: 2021FA

Faculty: Glitzenstein, Eric

Credits: 2.00

Type: Elective

Subject Areas: Environmental Law; International, Comparative & Foreign Law; Regulatory Law

Delivery Mode: Seminar

Days and Times:

Location

Wed 4:30 PM - 6:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This is a survey course on Wildlife Law with an emphasis on the federal laws that are intended to protect wildlife. Topics addressed include the history of federal and state wildlife regulation with a particular focus on the principal federal statutes that regulate human interactions with wildlife, including such statutes as the Endangered Species Act, the Migratory Bird Treaty Act, the Marine Mammal Protection Act, the Bald and Golden Eagle Protection Act, and the National Environmental Policy Act. The course also addresses the constitutional underpinnings of federal wildlife regulation and current controversies regarding the scope of federal wildlife protection laws.
