

Harvard Law School Course Catalog

2022-2023 Academic Year

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(Dis)illusionment for Young Lawyers

Course #: 3170 **Term:** 2023SP **Faculty:** Parker, Richard **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 1:30 PM - 3:30 PM

Course Description: Prerequisite: None
Exam Type: No Exam

Youve heard from or about young lawyers, doctors and other professionals who are "disillusioned." In the reading group well explore this phenomenon "in advance." Well do it from an oblique angle by reading three short novels about individuals who are "illusioned" then disillusioned but not professionals: Conrads Heart of Darkness, Fitzgeralds The Great Gatsby and Koestlers Darkness at Noon. The readings up for discussion each week will not be too long. But we will rely on each member of the group to do the reading carefully and participate actively in discussions.

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

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A Comparative Perspective on Corporations, Ownership, and Capital Access

Course #: 3151 **Term:** 2022FA **Faculty:** Kraakman, Reinier **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 6:00 PM - 8:00 PM

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

Exam Type: Last class Take-Home

A 20-page essay based on course readings that responds to a specific proposition about the relationship between corporate law, ownership structure, and sources of capital. The proposition will be announced at the beginning of the exam period and student responses (answers) will be due at the end of exam period. Regular class participation will also count heavily toward the final course grade.

This course explores differences in corporate governance and financing across listed companies both within and across jurisdictions. A principal point of comparison will be the structure of share ownership and the identity of large shareholders. For example, companies might be widely held by retail or institutional investors who play a passive role in corporate affairs except under unusual circumstances. Alternatively, a company might be controlled or influenced by large block shareholders. Family and founder control are common forms of blockholder control in most jurisdictions. But there are very different subtypes within this category. Even the venerable family dynasty comes in multiple flavors. Family members may inherit active leadership positions in their companies from the preceding generation or they may play the role of non-executive directors or monitoring shareholders who intervene only at critical moments. Similarly, founders may aspire to found family businesses or to secure leadership positions only for themselves as is usually the case when founders of American tech firms capitalize their companies with through multiclass IPOs. The principal example of the third major class of dominant shareholder is the State. And the motivations behind state ownership may be the most varied of all. They range from investment and security interests to advancing political or personal agendas with no immediate connection to a company's business. Our course materials match each of these ownership configurations with corresponding legal and capital constraints. Up to a point, financial markets, relational banking, and State-rationed capital each seem to align with ownership structure. But even as access to capital becomes more competitive, the legal, cultural, and political institutions that evolved with constrained access to capital may have an inertia of their own.

Students who enrolled and completed the course, Comparative Corporate Law, Finance and Governance, are not eligible to enroll in this offering.

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A Democracy Initiative

Course #: 3176 **Term:** 2022FA **Faculty:** Lessig, Lawrence; Allen, Danielle **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisite: None

Exam Type: No Exam

In this seminar, we will construct a package of reforms that might be offered as a referendum or initiative, designed to address the existing flaws to representative democracy in Massachusetts. Students will work on teams covering different aspects of the initiative. The objective will be to have well supported proposals, in legislative/initiative language, by the end of the year.

Access to Justice in the Digital World

Course #: 3073 **Term:** 2023SP **Faculty:** Plunkett, Leah **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Wed 3:45 PM - 5:45 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This reading group explores the impact of new and emerging digital technologies on the longstanding barriers that low-income and vulnerable individuals often face when interacting with the civil justice system, as well as the role that creative, zealous legal advocacy can play in surmounting these obstacles. From family relationships to housing security to consumer transactions, the civil justice system orders (or fails to order) our quotidian affairs. The disputes in family courts, housing courts, small claims courts, and other judicial settings that are high stakes for individuals but low dollar value for attorneys typically put pro se litigants on the front lines of the courtroom-if they even make it into court at all. Digital tech-especially during the judicial systems current pandemic operation mode-is sparking a new solution space for litigants, attorneys, and other stakeholders to resolve civil disputes; however, it is also creating new challenges in areas such as digital privacy. This reading group will unpack all dimensions of the impact of and potential for new digital technologies to change the contours of civil case-handling for low-income and vulnerable people, with an eye toward generating normative, values-based reflections on how to maximize the positive aspects of this change.

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

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Administrative Law

Course #: 2000 **Term:** 2022FA **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**

Tue 1:30 PM - 3:30 PM

Mon 1:30 PM - 3:30 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 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.

Administrative Law

Course #: 2000 **Term:** 2023SP **Faculty:** Sunstein, Cass **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 3:45 PM - 5:15 PM

Wed 3:45 PM - 5:15 PM

Course Description: Prerequisites: None

Exam Type: In-Class

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

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Administrative Law

Course #: 2000 **Term:** 2023SP **Faculty:** Vermeule, Adrian **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:30 PM

Thu 1:30 PM - 3:30 PM

Course Description: Prerequisite: None
Exam Type: In Class

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

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

Advanced Clinical Practice

Course #: 2001 **Term:** 2022FS **Faculty:** Goldenhersh, Stephanie **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:30 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 Comparative Perspectives on U.S. Law

Course #: 3167 **Term:** 2022FA **Faculty:** Campos, Sergio **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

This reading group will discuss U.S. law from a comparative perspective. We will discuss, from a non-U.S. perspective, the role of law and lawyers in United States society, and, in turn, we will investigate what different legal systems can tell us about the U.S. legal system. Readings will cover a variety of public and private law topics. International students are highly encouraged to participate.

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

Advanced Issues in Administrative Law and Theory

Course #: 2676 **Term:** 2023SP **Faculty:** Vermeule, Adrian; Sunstein, Cass **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 6:00 PM - 8:00 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.

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Advanced Legal Research

Course #: 2173

Term: 2023SP

Faculty: Kennedy, Jocelyn

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Wed 6:00 PM - 8:00 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 Negotiation: Fugitive Negotiation

Course #: 3178 **Term:** 2022FA **Faculty:** Bennis, Whitney; Straus, Samuel **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 4:00 PM - 8:00 PM

Course Description: Prerequisite: Negotiation Workshop

Exam Type: No Exam

Fugitive Negotiation is a space to think, feel, and practice negotiation philosophies and strategies for those of us moving through the very systems we seek to disrupt, dismantle, and/or evade.

Traditional negotiation theory often assumes, explicitly or implicitly, the legitimacy of the institutions or of the institutional agents with which we negotiate. Fugitive Negotiation refuses that premise. Instead, we seek to understand negotiation with/in the law as intimately related to the backdrops of colonialism, chattel slavery, and their afterlives. We examine critically the endorsed rules of engagement that re-produce inequitable distributions and the figure of the undifferentiated individual or reasonable man as our object(ive) subject.

Fugitive Negotiation is a Black queer feminist approach to negotiating the world as we know it to be. A negotiation theory rooted in surviving, not denying, long histories - personal, relational, ancestral - of extraction, violence, and dispossession, and then visioning and building a new future. A negotiation theory that looks as closely at the power and agency we can, do, and might impose as the power often imposed on us. We will examine how power shapes our negotiation and legal practice and what strategies we might find beyond those traditionally offered in the law or marketed in its shadow.

We will draw negotiation expertise from Black queer feminist texts and ancestors, arts practices, and creative engagement to expand our repertoire of negotiation strategy and practice. Our pedagogies will be creative, reflective, provocative, and dialogic. Core texts for this course include Dawn by Octavia Butler, Wayward Lives, Beautiful Experiments by Saidiya Hartman, and The Undercommons: Fugitive Planning and Black Study by Fred Moten and Stefano Harney.

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

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Advanced Negotiation: Money, Negotiation & You

Course #: 3115

Term: 2023SP

Faculty: Heen, Sheila

Credits: 3.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Tue 3:45 PM - 6:45 PM

Course Description:

Prerequisites: Negotiation Workshop

Exam Type: No Exam

Money and other quantifiable outcomes grab our attention, and are the simplest yardstick by which negotiation outcomes are measured.

Yet many report that negotiating over money is uncomfortable, and particularly when representing themselves. This course will build on the Negotiation Workshop, and delve into the research on self-agency, mental accounting, decision biases, fair pay, and our own narratives about money and identity, and will explore ways to strengthen our comfort and ability to advocate effectively for ourselves. Homework will include:

Regular Fieldwork, designed as real-life experiments that invite you to step out of your comfort zone, and provide an opportunity to notice your own - and others' - reactions.

Digging into and summarizing relevant research, and presenting it to each other for discussion,

Preparing for and doing in-class negotiations over rent, buying and selling cars, offering professional services, setting fair pay within an organization, negotiating pay and start dates as a candidate, losses with meaningful compensation, and money's relationship to your values, happiness and making meaning in your life.

Writing reflection papers on your experiences, and reading others' reflections and discussing in small groups throughout the term.

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

Course #: 2348

Term: 2023SP

Faculty: Viscomi, Rachel; Budish, Sara

Credits: 4.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 10:15 AM - 12:15 PM

Tue 10:15 AM - 12:15 PM

Course Description:

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

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.

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Advanced Quantitative Methods

Course #: 3177 **Term:** 2023SP **Faculty:** Avedian, Arevik **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:15 AM - 12:15 PM

Course Description: Prerequisite: Fundamentals of Statistical Analysis or permission of the instructor. This class can be taken as part of the HLS empirical track; concurrently taking the Applied Quantitative Analysis course is highly recommended.

Exam Type: No Exam

This course covers the most frequently used approaches in empirical legal research for collecting and analyzing data: Geographic Information Systems (GIS), text analysis and survey analysis. Many questions facing legal scholars and practitioners can only be answered by analyzing large collections of documents. Using novel techniques of text mining, legal documents can be navigated and analyzed quickly and more efficiently. GIS technology has broad applications in many disciplines and has been increasingly used by legal scholars and practitioners, examples of which are its wide use in gerrymandering, crime research and environmental law. The third approach, survey analysis, has become more common not only in scholarly research but also in the courtrooms.

Students will learn the essential skills to design and implement surveys; create, navigate and analyze textual and spatial data; visualize and interpret results. The class is hands-on and applied in nature. Students will produce a research paper in a topic they are interested in, using one of the tools.

Advanced Readings in Japanese Law

Course #: 2317 **Term:** 2022FA **Faculty:** Ramseyer, J. Mark **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

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

Exam Type: No Exam

In this reading group, students will read a wide variety of law-related materials in the original Japanese language. Class discussion will cover both any language questions that arise, and the substance of the material discussed.

Materials to be read will be determined on the first day of class.

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Advanced Seminar: Systemic Change in Education

Course #: 3190 **Term:** 2022FA **Faculty:** Gregory, Michael; Rebell, Michael **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 1:30 PM - 3:30 PM

Course Description: Prerequisite: Prerequisites for this course include one or more of the following: Lawyering for Justice, Art of Social Change, Education Law and Policy, and the Education Law Clinic.

Exam Type: No Exam

This advanced seminar will explore strategies for pursuing systemic change in public education, focusing on the goal of transforming schools so that they prepare all students to become active and effective participants in the American democratic system. The seminar will begin with a case study of the recent *Cook v. McKee* litigation, in which 14 Rhode Island students sought a federal court order declaring a constitutional right under the fourteenth amendment to a meaningful educational opportunity adequate to prepare them to be capable voters and jurors, to exercise effectively all of their constitutional rights, including the right to speak freely, to participate effectively and intelligently in a democratic political system and to function productively as civic participants in a democratic society. Although the District Court and the First Circuit ultimately dismissed the complaint, both courts acknowledged the significance of the issues the students had raised, and the case has led to significant improvements in civic education in Rhode Island. This litigation has also influenced the national discussion regarding the need to improve civic preparation of students in response to current challenges to the nation's democratic culture, as attested by the 10 major amicus briefs that were submitted to the First Circuit.

Students in this seminar will engage in a semester-long inquiry into alternative strategies that advocates might use to pursue the meaningful educational opportunity sought in the case. Specifically, using a conceptual model of system change lawyering developed by the Trauma and Learning Policy Initiative (TLPI), students will research the potential viability of initiating a constitutional litigation campaign in a number of state courts, based on specific language regarding students' positive rights to an adequate or thorough and efficient' education that appears in many state constitutions. In contemplating this approach, the seminar will encourage students to engage in an iterative cycle of analysis and planning, in which they analyze constitutional theory and practice in the state courts and investigate problem identification, theories of change, remedy design, strategic and tactical options, and evaluation of results. To ground this analysis, the seminar will introduce concepts and insights from multiple theoretical domains, including: democratic theory, the theory of rights, trauma theory, school culture theory, and theory related to diversity, pluralism and racial equity. As a final research project, seminar participants will prepare case studies that assess various states' potential as jurisdictions for bringing state-based constitutional litigation to pursue students' right to meaningful democratic education.

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Advanced Topics in Contracts: Third Parties

Course #: 3174 **Term:** 2023SP **Faculty:** Lewinsohn, Jed **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisite: Contracts

Exam Type: No Exam

The seminar will focus on third parties in the law of contracts and commercial transactions. As theoretical background, we will consider the classical privity principle in contract, as well as the question of whether the law's treatment of commercial transactions should be guided by their form or their substance. We will then study doctrines pertaining to some of the following topics: third party beneficiaries; assignment and delegation; negotiable instruments (and warehouse receipts); suretyship; letters of credit; claims in bankruptcy (common debtor, multiple competing creditors); tortious interference with contractual relations. Special attention will be given to the triangular nature of the conflicts at issue, and to the influence of the legal realists (such as Karl Llewellyn and Grant Gilmore) on the development of the law.

Advanced Topics in Federal Courts

Course #: 3145 **Term:** 2022FA **Faculty:** Goldsmith, Jack **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisite: Federal Courts and the Federal System

Exam Type: No Exam

This seminar will do a deep dive on these federal courts topics: Erie, Federal Common Law, the Ex Parte Young remedy, and the equitable powers of federal courts more generally. Reading will be on the heavy side. Grades will be based on short thought papers and class participation. Students have an option to write a short paper for a third credit.

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Advanced Topics in Jewish Law and Legal Theory

Course #: 2437 **Term:** 2023SP **Faculty:** Feldman, Noah **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Thu 6:00 PM - 8:00 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

Advanced Topics in Jewish Law: The Law of Literature

Course #: 2437 **Term:** 2022FA **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 6:00 PM - 8:00 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 Written Advocacy

Course #: 3187 **Term:** 2022FA **Faculty:** Clary, Richard **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

This course will focus on effective written advocacy at the federal district court level, including why writing for the district court is a distinct art form from other forms of writing, such as appellate briefs. Topics will include motions to dismiss, discovery briefs and letter briefs, summary judgment motions and related papers, and other types of pre-trial submissions. The class will be a blend of lecture and group discussion, and we will look at examples from public filings to analyze what is effective, what is not effective, and what can be affirmatively harmful. The course will include advice on the brief writing process, as well as practical guidelines for being an effective advocate in the district court. Instead of a final exam there will be a variety of written exercises over the course of the semester, including a short discovery-related brief, a longer dispositive motion brief, and an editing exercise.

Advertising Law

Course #: 2753 **Term:** 2023SP **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 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 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 Democracy

Course #: 2955 **Term:** 2023SP **Faculty:** Unger, Roberto Mangabeira; Stauffer, John **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:00 PM - 3:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam; Paper in lieu of examination

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

We explore and discuss the past, present, and especially the future of the American experiment among ourselves and with invited guests: thinkers, politicians, social activists, and entrepreneurs.

Readings drawn from classic and contemporary writings about the United States.

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

Course #: 3043 **Term:** 2023SP **Faculty:** Mann, Bruce **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 6:00 PM - 8:00 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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An Introduction to the Classical Legal Tradition

Course #: 3146

Term: 2023SP

Faculty: Vermeule, Adrian

Credits: 1.00

Type: Elective

Subject Areas: Legal & Political Theory

Delivery Mode: Reading Group

Days and Times:

Location

Tue 3:45 PM - 5:45 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

The reading group will introduce students to the classical legal tradition, as practiced in Europe, Britain and the United States, and examine its differences from modern approaches such as originalism and progressivism. We will read a mix of primary sources (such as the Digest of Justinian and selections from Thomas Aquinas' Treatise on Law); secondary historical sources; and recent legal theory bearing on current debates. No previous knowledge is expected.

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

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Analytical Methods for Lawyers

Course #: 2006 **Term:** 2023SP **Faculty:** Spier, Kathryn **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

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

Exam Type: In Class

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

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

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

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

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

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

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

7. Statistics: Legal matters increasingly involve the use of statistics in business contexts, in the promulgation of government regulations, in the measurement of damages, in attempts to make inferences concerning parties behavior (such as those regarding discrimination in employment), and in determination of causation (in tort, contract, and other disputes). We will address the basic statistical methods, including regression analysis, as well as issues that commonly arise when statistics are used in the courtroom.

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Animal Law

Course #: 2355

Term: 2023SP

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

Tue 3:45 PM - 5:45 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 some 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: 2022FA

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: No.

Add/Drop Deadline: August 12, 2022.

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.

Students will be introduced to the overarching issues that non-human animal law advocates face in their work, including rulemaking petitions, open-government laws, and basic litigation, legislative, administrative, and organizing strategies. Students also learn how to pursue advocacy under several substantive areas of the law, including 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.

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Animal Law & Policy Clinic

Course #: 8052

Term: 2023SP

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: No.

Add/Drop Deadline: December 2, 2022.

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.

Students will be introduced to the overarching issues that non-human animal law advocates face in their work, including rulemaking petitions, open-government laws, and basic litigation, legislative, administrative, and organizing strategies. Students also learn how to pursue advocacy under several substantive areas of the law, including 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.

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Animal Law & Policy Clinical Seminar

Course #: 3004

Term: 2022FA

Faculty: Meyer, Katherine

Credits: 2.00

Type: Elective

Subject Areas: Environmental Law; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Wed 1:30 PM - 3:30 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: No.

Add/Drop Deadline: August 12, 2022.

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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Animal Law & Policy Clinical Seminar

Course #: 3004 **Term:** 2023SP **Faculty:** Meyer, Katherine **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:45 PM - 5:45 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: No.

Add/Drop Deadline: December 2, 2022.

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

Course #: 2007

Term: 2023SP

Faculty: Kaplow, Louis

Credits: 4.00

Type: Elective

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: Prerequisite: None
Exam Type: In Class

This course examines the law, economics, practice, and policy of the federal antitrust laws. The main subjects are horizontal agreements (among competitors), mergers, and monopolization. Given the nature of the subject, including legal practice, there will be a heavy economics emphasis, although throughout the discussion will be non-technical and readily accessible to those without prior background.

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Appellate Courts and Advocacy Workshop

Course #: 2426

Term: 2023WI

Faculty: Wolfman, Brian

Credits: 2.00

Type: Elective

Subject Areas: Government Structure & Function; Procedure & Practice

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 Type: No Exam

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

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

The doctrinal portion of the course and the corresponding small-to-medium-sized writing assignments will be covered during the first two weeks of the January Term. The appellate brief will be completed early in the Spring Term. During the Spring Term, each student will have a one-on-one meeting with the teacher to review a draft appellate brief.

The instructor, Brian Wolfman, is a Professor from Practice and Director of the Appellate Courts Immersion Clinic at Georgetown Law. Before that, he was a co-director of Stanford Law School's Supreme Court Litigation Clinic. Before joining Stanford in 2014, for five years, Mr. Wolfman was co-Director of Georgetown Law's Institute of Public Representation, where he directed a student-based clinic that handled a mix of individual civil-rights cases and public-interest impact litigation. He is the former Director of Public Citizen Litigation Group, a public-interest law firm in Washington, D.C., where he practiced for nearly 20 years. He began his career as a poverty lawyer in rural Arkansas. He has litigated dozens of cases in courts of appeals and in the Supreme Court. Feel free to direct questions about the class to Mr. Wolfman at bswolfman@yahoo.com.

Note: The credit breakdown for this course is as follows: three total credits, with two law classroom credits awarded during the January Term and one writing credit awarded during the Spring Term.

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This course will meet for the first two weeks of the winter term.

This course is open to upper-level JD students only.

Applied Quantitative Analysis

Course #: 2009

Term: 2023SP

Faculty: Avedian, Arevik

Credits: 2.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Tue 10:15 AM - 12:15 PM

Course Description: Prerequisites: Fundamentals of Statistical Analysis or permission of the instructor. This class can be taken as part of the HLS empirical track.
Exam Type: No Exam

Intended as a continuation of the Fundamentals of Statistical Analysis, this course focuses on developing the theoretical basis and practical application of advanced multivariate techniques and interpreting and presenting statistical results and their implications. Topics include multivariate linear and nonlinear regression, binomial and multinomial logistic regression, ordinal logit analysis, time series and count data models. This is an applied class, providing students an opportunity to practice with hands-on examples involving the analysis of real data. The emphasis of the course will be on the conceptual understanding, application and interpretation of the methods and results, as opposed to the mathematical proofs underpinning the models. Students will use the Stata statistical software.

The course will culminate with an empirical paper where you will get an opportunity to apply the covered methods. Two options will be provided to the students for their final paper: (1) an empirical paper on a topic of your interest or (2) a replication paper. There is a growing awareness of the importance of replication in the empirical legal field. Producing or reproducing an empirical work will give students an opportunity to learn the methods used, data wrangling, or challenges and solutions that researchers encounter producing empirical work. Students who are replicating will be required to extend the study either by proposing or implementing a change to the original study through use of additional variables, different time periods/techniques/robustness checks, etc.

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Applying Adaptive Leadership to Thrive and Lead Change in Uncertain Times

Course #: 3083

Term: 2023SP

Faculty: Westfahl, Scott; Chipungu, Farayi

Credits: 1.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Procedure & Practice

Delivery Mode: Reading Group

Days and Times:

Location

Mon 6:00 PM - 8:00 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

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.

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

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Art of Social Change

Course #: 2011

Term: 2023SP

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 1:30 PM - 3:30 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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Asian Americans and the Law

Course #: 2344 **Term:** 2023SP **Faculty:** Wu, Mark **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:15 AM - 11:45 AM

Fri 10:15 AM - 11:45 AM

Course Description: Prerequisite: None
Exam Type: Last Class Take-Home

This course examines the legal issues that have confronted Asian Americans in the United States from the 19th Century to the present. It analyzes the various legal and political controversies that have emerged as diverse waves of Asian immigrants settled in the United States and the role of the Asian American experience in shaping U.S. legal history. Among the topics to be discussed are citizenship, immigration exclusion, state-sponsored discrimination, Japanese internment, education, affirmative action, racial profiling, and hate crimes. Drawing on legal cases as well as historical sources, the course considers these topics against the larger backdrop of how questions of race, identity, migration, redress, and equality are playing out in the American narrative.

Bankruptcy

Course #: 2013 **Term:** 2022FA **Faculty:** Roe, Mark **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 3:50 PM - 5:10 PM

Tue 3:50 PM - 5:10 PM

Wed 3:50 PM - 5:10 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.

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Becoming a Law Professor

Course #: 2416

Term: 2023SP

Faculty: Tobin, Susannah

Credits: 1.00

Type: Elective

Subject Areas: Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Reading Group

Days and Times:

Location

Mon 10:30 AM - 11:30 AM

Course Description:

Prerequisite: Admission is by application via email to Susannah Barton Tobin at stobin@law.harvard.edu by October 31, 2022. Please include a paragraph expressing your interest in the reading group and a CV.
Exam Type: No Exam

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

Note: This reading group will meet weekly.

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Behavioral Economics, Law and Public Policy

Course #: 2589 **Term:** 2022FA **Faculty:** Sunstein, Cass **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisite: Instructor permission is required. Please send your CV to Brenda Bee (bbee@law.harvard.edu).

Exam Type: No Exam

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

Note: This seminar is jointly listed with FAS as ECON 2050 & HKS as API-305.

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Blockchain, Cryptocurrency and Fintech

Course #: 3144 **Term:** 2022FA **Faculty:** Ferrell, Allen **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:15 AM - 11:45 AM

Fri 10:15 AM - 11:45 AM

Course Description: Prerequisite: None
Exam Type: In Class

We will explore in this course the law and policy issues that are raised by the use of the blockchain technology, including cryptocurrencies and by FinTech companies. The course will also have guest speakers that will also address these issues.

Bonobo Sisterhood

Course #: 3171 **Term:** 2023SP **Faculty:** Rosenfeld, Diane **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Thu 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

The Bonobo Sisterhood reading group explores the power and potential of female alliances to disrupt patriarchal systems. Through a legal, political, social, cultural and economic lens, we ask what lessons the bonobos-our close primate relatives who share 98.7% of our DNA-offer humans for creating a society free of male sexual coercion. Reading material will be the book *The Bonobo Sisterhood: Revolution through Female Alliances*, (Rosenfeld 2022).

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Business and Human Rights Seminar: Evolution and Contemporary Challenges

Course #: 3166 **Term:** 2022FA **Faculty:** Portugal Gouvêa, Carlos **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**

Thu 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

This seminar will explore the expanding practice around business and human rights, departing from its origins and moving into current challenges that demand urgent intellectual investigation. First, we will explore the state of the international human rights movement after the fall of the Berlin wall in order to understand the context in which the field of business and human rights came into being, originally nested by the United Nations as part of its efforts in to implement the Millennium Development Goals. The original reports by John Ruggie on the subject initially received negative reactions by business leaders, but eventually achieved almost universal acclaim. Only a few years after the now famous Framework and Principles on business and human rights were made public in 2008 and 2011, the field became a central part of contemporary discourse on both human rights and corporate governance. Second, we will examine the results of such evolution, such as, the expansion of domestic legislation on business and human rights throughout the world imposing mandatory due diligence processes in companies, the trend towards global collective litigation of human rights violations, and the adoption of business and human rights arguments in international arbitration. The final part of the program will be dedicated to investigating problems that practitioners in the field are currently facing, such as the increase of human rights violations in wealthy countries due to the rise of economic inequality, the persistence of companies that openly challenge the implementation of human rights policies, the advance of legal authoritarianism in certain jurisdictions with challenges to free speech, increases in hate speech and algorithmic discrimination in social medias, and evolving forms of greenwashing and socialwashing. In order to examine these new topics, students will have the opportunity to interview leading experts in the field during classes. Students will write a research paper based on the interviews and materials presented in the seminar, as well as their own independent research.

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Business Strategy for Lawyers

Course #: 2015 **Term:** 2022FA **Faculty:** Spier, Kathryn **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

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

Exam Type: In Class.

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:** 2023SP **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 1:30 PM - 3:00 PM

Fri 1:30 PM - 3:00 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: 2023WS

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 26, 2022.
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 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. During spring term, students are required to attend mandatory 6 meetings with Prof. Steiker. Meetings held before spring break will be held during lunch hour, with Prof. Steiker, on zoom, with students together in a room, with lunch provided. After spring break, Prof. Steiker will meet in-person, with students, during these required lunch meetings.

This is an externship clinic. During spring term students should have at least one full day available to work on clinic assignments, with the remaining time available in 4-5 hour blocks.
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: 2022FA

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 10:15 AM - 12:15 PM

Fri 10:15 AM - 12:15 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 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 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 26, 2022 for students enrolled in this course through the Capital Punishment clinic.

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Capitalism in Crisis

Course #: 3032

Term: 2022FA

Faculty: Desan, Christine

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Tue 3:45 PM - 5:45 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

After the fall of the Soviet Union, capitalism appeared triumphant. Commentators equated free markets with democracy and lauded the common law as particularly suited to support them both. But capitalism entered a crisis period with the new millennium. We will read a series of recent works that identify and seek to diagnose the drivers of that crisis. Discussion will focus on the relationship between capitalism and its institutions, with particular focus on the state of social well-being. Tentative reading list includes: Pistor, Katerina. The Code of Capital: How the Law Creates Wealth and Inequality. Princeton: Princeton University Press, 2019; Streeck, Wolfgang Buying Time: The Delayed Crisis of Democratic Capitalism. New York: Verso, 2017; and Tooze, Adam. Crashed: How a Decade of Financial Crises Changed the World. New York: Penguin Books, 2018.

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

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Child Advocacy Clinic

Course #: 8001 **Term:** 2023WS **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: Lawyering for Children & Youth 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 28, 2022.
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.

The Child Advocacy Clinic is an externship clinic where students are placed in a legal setting focused on one or more aspects of child advocacy to conduct fieldwork under the supervision of a practicing attorney. The course is designed to educate students about a variety of substantive areas impacting the lives of children-such as child welfare, education, and juvenile justice-and the different systems that are meant to serve them. This course touches on more discrete issues such as: older youth transitioning out of the foster care system, sexual exploitation of children, LGBTQ youth, special education and school discipline, and the rights of youth in the juvenile justice system. In addition, the course exposes students to a range of social change strategies to encourage critical thinking about the pros and cons of different approaches. The Clinic is relevant not only for students with a particular interest in childrens issues, but also for those more generally interested in social change.

Enrollment Options: The Child Advocacy Clinic offers three different clinical fieldwork options: a fall-only clinic, a spring-only clinic, and a winter-spring clinic. The clinical seminar is taken concurrently with the spring fieldwork. This offering is for the winter-spring Child Advocacy Clinic. Winter-spring clinical students work full-time during winter term (for 2 clinical credits) and part-time (16-20 hours/week for 4-5 clinical credits) during spring term, at a child advocacy organization.

Fieldwork Component: Students are placed as externs, working under a supervising attorney, in a wide array of fieldwork settings. Placements range from organizations providing individual advocacy, to those promoting systemic change through impact litigation, legislative reform, or policy.

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.

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

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

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

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Child Advocacy Clinic

Course #: 8001 **Term:** 2023SP **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: Lawyering for Children & Youth 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 28, 2022.
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.
The Child Advocacy Clinic is an externship clinic where students are placed in a legal setting focused on one or more aspects of child advocacy to conduct fieldwork under the supervision of a practicing attorney. The course is designed to educate students about a variety of substantive areas impacting the lives of children-such as child welfare, education, and juvenile justice-and the different systems that are meant to serve them. This course touches on more discrete issues such as: older youth transitioning out of the foster care system, sexual exploitation of children, LGBTQ youth, special education and school discipline, and the rights of youth in the juvenile justice system. In addition, the course exposes students to a range of social change strategies to encourage critical thinking about the pros and cons of different approaches. The Clinic is relevant not only for students with a particular interest in childrens issues, but also for those more generally interested in social change.
Enrollment Options: The Child Advocacy Clinic offers three different clinical fieldwork options: a fall-only clinic, a spring-only clinic, and a winter-spring clinic. The clinical seminar is taken concurrently with the fieldwork. 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 a child advocacy organization.
Fieldwork Component: Students are placed as externs, working under a supervising attorney, in a wide array of fieldwork settings. Placements range from organizations providing individual advocacy, to those promoting systemic change through impact litigation, legislative reform, or policy.
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 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 related courses.

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Child Advocacy Clinic

Course #: 8001 **Term:** 2022FA **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: Lawyering for Children & Youth Clinical Seminar (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.
Additional Co-/Pre-Requisites:None.
By Permission: No.
Add/Drop Deadline: Early drop of August 1, 2022.
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.
The Child Advocacy Clinic is an externship clinic where students are placed in a legal setting focused on one or more aspects of child advocacy to conduct fieldwork under the supervision of a practicing attorney. The course is designed to educate students about a variety of substantive areas impacting the lives of children-such as child welfare, education, and juvenile justice-and the different systems that are meant to serve them. This course touches on more discrete issues such as: older youth transitioning out of the foster care system, sexual exploitation of children, LGBTQ youth, special education and school discipline, and the rights of youth in the juvenile justice system. In addition, the course exposes students to a range of social change strategies to encourage critical thinking about the pros and cons of different approaches. The Clinic is relevant not only for students with a particular interest in childrens issues, but also for those more generally interested in social change.
Enrollment Options: The Child Advocacy Clinic offers three different clinical fieldwork options: a fall-only clinic, a spring-only clinic, and a winter-spring clinic. The clinical seminar is taken concurrently with the fieldwork. This offering is for the fall Child Advocacy Clinic. Fall clinical students work part-time (16-20 hours/week for 4-5 clinical credits) at a child advocacy organization.
Fieldwork Component: Students are placed as externs, working under a supervising attorney, in a wide array of fieldwork settings. Placements range from organizations providing individual advocacy, to those promoting systemic change through impact litigation, legislative reform, or policy.
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 summer; enrolled students will need to be available to communicate with CAP and their host organization about various details. 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 related courses.

Citizenship

Course #: 2264

Term: 2022FA

Faculty: Neuman, Gerald

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Wed 6:00 PM - 8:00 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

The term "citizenship" has many meanings in sociology, political theory, and law. It can denote a relationship to a polity, a social status, an activity, a package of rights or a package of responsibilities. This reading group will discuss both theoretical and practical perspectives on citizenship, particularly as they affect the legal construction of citizenship and nationality. The topics to be considered may include womens citizenship, birthright citizenship, deprivation of citizenship, and civic revival. No prior study of immigration or nationality law is necessary.

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

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City Use of Technology

Course #: 2813 **Term:** 2022FA **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 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

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.

Civil Rights Litigation

Course #: 2651 **Term:** 2023SP **Faculty:** Michelman, Scott **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 3:45 PM - 7:00 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.

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Class Actions: Litigating Advanced Topics

Course #: 2024 **Term:** 2022FA **Faculty:** Clary, Richard **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:30 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.

Class and Racial Justice

Course #: 3153 **Term:** 2023SP **Faculty:** Lewis, Christopher **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 6:00 PM - 8:00 PM

Course Description: Prerequisite: None
Exam Type: No Exam

This reading group will focus on questions about how the idea of "racial justice" is related to "class." When, if ever, are class-based redistributive measures insufficiently attentive to the interests of Black people or other historically oppressed groups? What is the best moral case for race-based reparations? Are socialism and "identity politics" compatible? In what sense, if any, is antiracism "neoliberal," and is that a problem?

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

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Climate Lawyering

Course #: 3164 **Term:** 2023SP **Faculty:** Lazarus, Richard **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Tue 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

The threat of potentially catastrophic consequences from climate change due to increasing concentrations of greenhouse gas concentrations in the atmosphere is both enormous and unyielding. To date, however, our nation has stumbled in its efforts to craft laws that meet the immense challenge of reducing domestic greenhouse gas emissions and that redress the massive adverse effects of climate change that can no longer be avoided during our own lifetimes.

To meet that lawmaking challenge will require far more than the enactment of traditional pollution control laws that impose emissions limitations on the largest immediate domestic sources of greenhouse gases such as motor vehicles, power plants, and other industrial activities that burn fossil fuels to produce energy. No less than a wholesale transformation of how we produce and distribute energy will be required. The necessary technology to accomplish that transformation already exists or within reach. The principle obstacle is instead existing law that not only fails to control emissions adequately but that unwittingly promotes the status quo and erects insurmountable hurdles to securing the necessary reform of the nation's laws.

This course will examine the constructive role that lawyers can play in addressing climate change in most every legal practice area. As reflected in the current presidential administration's Whole of Government Approach to the Climate Crisis, we will focus in the first instance on those who work in the federal government. They range from working in classic pollution and natural resources agencies like EPA and the Department of the Interior, to significant roles lawyers play in addressing the climate issue in the Departments of Agriculture, Commerce, Defense (including each of the Armed Forces), Energy, State, Transportation, and Treasury, as well as smaller federal agencies such as the U.S. Army Corps of Engineers, Federal Energy Regulatory Commission, Federal Reserve Board, Federal Election Commission, and the Securities Exchange Commission. The course will also consider the role of private sector lawyers, especially in-house counsel to private companies seeking to sell products and services that will promote a transition to a carbon-free energy future, as well as public interest advocates.

The course will begin with general sessions on climate science and the history of climate lawmaking in the United States. In each subsequent class meeting, we will review a different legal practice setting and hear from a guest speaker who works in that area. There will be no final exam. Grades will be based on performance in class participation assignments and the quality of several reaction papers that each student will be required to submit during the semester. There are no prerequisites for taking the course, which is not designed to be a substitute for a class that covers the regulatory complexities of substantive climate law, energy law, environmental law, or natural resources law.

Note: This course will meet for six weeks, beginning in March; dates TBD.

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Commercial Law: Secured Transactions

Course #: 2026 **Term:** 2023SP **Faculty:** Lewinsohn, Jed **Credits:** 3.00

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

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: Any-Day Take-Home

This course examines the rules governing transactions in which collateral is used to secure debt arising from a sale or a loan. This body of law, which applies to situations as commonplace as the home mortgage and as commercially sophisticated as the securitization of intangible assets, addresses not only the rights of the debtor and creditor but also the rights of third parties that may have an interest in the collateral. This course takes a problems-based approach to its subject and considers the perspectives of all interested parties. The primary source of authority is Article 9 of the Uniform Commercial Code, but the United States Bankruptcy Code is also invoked when applicable.

Communication, Law and Social Justice

Course #: 2844 **Term:** 2022FA **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**

Mon 8:00 AM - 10:00 AM

Tue 8:00 AM - 10:00 AM

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, environmental protection, 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 a final exam 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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Comparative and International Legal Struggles Over Sexual and Reproductive Health and Rights

Course #: 3183 **Term:** 2022FA **Faculty:** Yamin, Alicia **Credits:** 1.00

Type: Elective **Subject Areas:** Family, Gender & Children's Law; Health Law; Human Rights; International, Comparative & Foreign Law

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

At the intersection of debates about religion, private morality and public policy, and sexual and reproductive health and rights (SRHR) are lightning rods of controversy in most societies. While the pandemic revealed the precariousness of some advances, a wave of ethno-nationalism and conservative populism has brought a sharp backlash against SRHR in many countries across the globe. Drawing on case examples from multiple regions, as well as in supra-national human rights forums, the reading group will critically explore: strategies used to assert legal claims relating to involuntary sterilization; abortion; maternal health care; and other SRHR issues under international law; strengths and challenges to advancing reproductive justice through human rights law; and contested narratives about health, sexuality and dignity embedded in SRHR claims.

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

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Comparative Corporate Governance

Course #: 2029 **Term:** 2022FA **Faculty:** Pargendler, Mariana **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description: Prerequisite: None
Exam Type: Any-Day Take-Home
Paper option available.

The business corporation is a central institution in the modern capitalist economy. There are, however, considerable differences in the ways corporations are owned, controlled, and governed around the world. This course compares the corporate laws and governance arrangements of key jurisdictions. We will explore the root causes of the observed divergences in corporate governance, as well as their implications for the organization of the economy and society. The themes covered include the distribution of power among shareholders, boards of directors, and management; the protection afforded to minority shareholders, employees, and external constituencies; the growing ESG and climate risk agenda; the complementarities between corporate governance systems and the prevailing economic and social structure; the challenges facing firms in emerging markets; the distinctive features of state-owned enterprises; the influence of globalization and nationalism on corporate governance practices; and new issues relating to the rise of artificial intelligence. The course will enable students to engage critically with key debates in contemporary corporate governance and provide relevant background for those interested in cross-border legal work.

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Comparative Family Law: Marriage, Divorce and Property in the Islamic, Jewish and Western Legal Systems

Course #: 3165 **Term:** 2022FA **Faculty:** Guney-Ruebenacker, Havva **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 6:00 PM - 8:00 PM

Course Description: Prerequisite: None
Exam Type: No Exam

This reading group/seminar will explore selected topics on marriage, divorce and property laws in American, European, Jewish and Islamic law, and will also examine the interaction of Jewish divorce law and Islamic marriage contracts law with western courts in the U.S and a few selected European countries. By applying some relevant theories and approaches such as New Home Economics (initiated by Gary Becker and his critics) and bargaining under the shadow of the law on selected family law issues, such as marital contracts, divorce and post-divorce distributive regimes of marital property and alimony, this reading group/seminar will comparatively examine the particular default rules, legal regimes, choices and solutions developed by each legal system on these issues, and will explore their impact on the positions and strategies advanced by various legal actors. Throughout our comparative study of the various approaches of these legal systems towards the economic relationship of spouses during marriage and at divorce, we will examine any possible convergence and divergence between these legal systems, as well as the potential of different legal theories for universal and particular application. By exploring the legal history, default rules and case-law aspects of selected family law issues from these legal systems, our comparative analysis will help us to examine whether the particular rules and choices made by each legal system are justified and whether any alternatives can be imagined, especially under the light of some of the challenges and demands present in the current legal reform debates in these legal systems. Readings will include law review articles and cases. There are no prerequisites for this seminar and no prior technical knowledge is required or assumed.

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

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Comparative Law: Why Law? Lessons from China?

Course #: 2461

Term: 2023SP

Faculty: Alford, William

Credits: 4.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Mon 10:15 AM - 12:15 PM

Wed 10:15 AM - 12:15 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.

This course, which satisfies the Law Schools international legal studies graduation requirement for JDs, is intended to be inviting to individuals both with and without prior study of China.

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Competing Values: Freedom, Equality, Property, & Democracy

Course #: 3162

Term: 2023SP

Faculty: Singer, Joseph

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Tue 3:45 PM - 5:45 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

This reading group will cover a variety of current and enduring questions involving fundamental issues of freedom, equality, property, and democracy. We will focus on legal issues involving race, sex, sexual orientation, religious liberty, tribal sovereignty, the American rejection of titles of nobility, and inequality in access to income and wealth. Issues addressed include conflict of laws about slavery and abortion, religious and free speech claims to exemptions from antidiscrimination laws protecting LGBTQ persons, federal limitations on tribal courts, the historical legal changes connected to the Constitution's rejection of titles of nobility. Each of these issues reflects fundamental normative clashes between competing values and between competing groups and ways of life. How does American legal discourse structure debates about political and legal issues in the face of fundamental disagreements? What resources can help specify the meaning of shared values when society is confronted with conflicting interpretations of those shared values? What does it mean to have the rule of law in a free and democratic society that shows equal concern and respect for all persons?

There will be no exam or written work required but reading will include several legal history books, and some cases and law review articles.

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

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Complex Litigation: Legal Doctrines, Real World Practice

Course #: 2366

Term: 2023SP

Faculty: Clary, Richard

Credits: 2.00

Type: Elective

Subject Areas: Legal & Political Theory; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Thu 10:15 AM - 12:15 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.

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Compromise

Course #: 3152

Term: 2022FA

Faculty: Levinson, Sanford

Credits: 1.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Legal History

Delivery Mode: Reading Group

Days and Times:

Location

Wed 6:00 PM - 8:00 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

Our reading course on Compromise is brand new, so this description is necessarily tentative with regard to specific assignments. What sparks my desire to offer the course is the seeming hostility in contemporary American society to the idea of compromise and the insistence instead that people stand firmly behind given principles or goals come what may. Politics almost always requires compromise, though, at the same time, we certainly admire people who in given contexts were unwilling to compromise and, from our perspective, helped to push society forward. So the first meeting of the course will focus on the basic notions of compromise and steadfastness to principle. One possibility is reading a book by the Israeli philosopher Avishai Margalit, *On Compromise and Rotten Compromises* (Princeton University Press), though I may simply ask you instead to read a couple of pieces of my own which are in fact indebted to Margalit's discussion. We will then certainly look at what is surely the most important example of compromise in American constitutional history, concerning slavery. We will also look at what is often labeled the Great Compromise, by which each state got an equal vote in the Senate. The latter is often capitalized, the former never, but both were viewed by those who acquiesced in them as what we might call necessary and proper in order to get agreement on the Constitution in the first place. So we will read some of the debates at the Philadelphia Convention and elsewhere (including *The Federalist*, about the felt necessity to accept what was recognized at the time as repulsive. We will also definitely read two classic speeches, one by Abraham Lincoln (the Peoria Address), the other by Daniel Webster (the Seventh of March Speech), both of which address the aptly named Missouri Compromise and the Compromise of 1850. The key question is why, if those two compromises are acceptable, Lincoln rejected the Kansas-Nebraska Act of 1854 and other proposals to extend slavery into the territory even at the price of risking the Civil War that of course came. We will also probably read Lincoln's First Inaugural Address as well as Frederick Douglass's critique of that address, as well as some other materials by both Lincoln and Douglass about the aims of the War (i.e., to restore the Union or to eradicate slavery).

We will probably then turn to considering the role that compromise might play for the Supreme Court itself, along two quite different dimensions. The first, perhaps typified by *Marbury v. Madison* itself, involves the Court stepping back from a confrontation that might prove institutionally damaging. Alexander Bickel wrote about the passive virtues, which, to some extent, offered a laundry list of methods by which the Court could evade deciding certain hot-potato cases on the merits. (Gerald Gunther notably said of Bickel that he wanted the Court to be 100% principled 20% of the time, and that for Bickel it was basically a political, rather than a legal, decision as to when the Court would in fact take a case and decide it on the merits.) One might want to put *Brown II*, where the Court determined that desegregation should take place at all deliberate speed in this category as well. But a second judicial reality is what might be termed internal compromise among the justices, where opinion-drafters write, or other justices sign, opinions that from their own perspectives contain some real flaws, in order to gain necessary votes (for the opinion writer) or, in effect, to be good sports if one is asked to sign an opinion about which one has strong reservations and, especially, not to dissent. Ronald Dworkin famously based his jurisprudential theories around a mythical lone judge, Hercules, whose task was to discern the right answer to any legal conundrum and, presumably, to enunciate that answer for all of us to be guided by. He never addressed the phenomenon of a multi-member court and what Hercules should do other than write solo opinions.

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We will, of course, have only twelve hours together, over six meetings. I am tempted look at presidential pardons or amnesties as presenting, at least on occasion, a classic conflict between seeking justice, including punishment, and, instead, doing what is thought best to achieve some kind of social concord. Did, for example, Lincoln's call in the Second Inaugural for malice toward none and charity toward all imply that Jefferson Davis and Robert E. Lee ought not be tried for treason (even assuming, which is not self-evidence, that they committed treason?) and, indeed, should be pardoned? One can also look at the decision by the African National Congress to accept a Truth and Reconciliation Commission in lieu of punishing the perpetrators of the apartheid policy in South Africa as a notable instance of compromise. Finally, if there is time, we might also look at whether certain political structures encourage or inhibit the possibility of compromises. Consider in this context certain voting rules, including ranked-choice voting as an alternative to first-past-the post or the use of party primaries to select candidates. This is the topic of a recent book by Sarah E. Anderson, Daniel Butler, and Laurel Harbridge-Yong, *Rejecting Compromise: Legislators' Fear of Primary Voters*.

There will, of course, be no exam or extensive writing requirement. Each student will, however, be asked/required to write a single response paper, of approximately 600-750 words, on the readings assigned during a given week (of the student's choice). One of the purposes of these response papers is to enable the members of the class to set the agenda for our class discussion rather than my simply doing that week after week. I am also hopeful that circumstances will once again allow us to meet for a dinner at the conclusion of the final class.

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

Conceptions of Legal Entities

Course #: 2807 **Term:** 2023SP **Faculty:** Kraakman, Reinier **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 6:00 PM - 8:00 PM

Course Description: Prerequisites: A prior or parallel course in corporate law at HLS or elsewhere, or prior experience in matters relating to the corporation or other business entities.

Exam Type: No Exam

Students will be asked to actively engage in class discussion and to submit nine reaction memos after the first meeting of the seminar.

This seminar explores legal entities-principally, but not exclusively, the corporation-from a variety of perspectives. The only distinctive feature of legal entities, of course, is that they are not natural persons. Nevertheless, the law attributes to them many of the legal rights and responsibilities that it ascribes to natural persons. The questions are why and to what effect? Our readings fall into one of three categories: the theory of the firm literature in micro-economics, the evolution of real entity theory from its 19th century origins forward, and the role of entity concepts in contemporary American law-ranging from 1st Amendment rights to the current discussion of shareholder primacy, stakeholder theory, and corporate purpose. In addition, the readings touch on entity issues in academic literature adjacent to law, including sociology, business administration, and moral philosophy.

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Conflict of Laws

Course #: 2033

Term: 2023SP

Faculty: Sachs, Stephen

Credits: 3.00

Type: Elective

Subject Areas: Government Structure & Function; Legal & Political Theory; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description:

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.

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Congress and Public Law

Course #: 2961

Term: 2022FA

Faculty: Gould, Jonathan

Credits: 1.00

Type: Elective

Subject Areas: Government Structure & Function

Delivery Mode: Reading Group

Days and Times:

Location

Wed 3:45 PM - 5:45 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This reading group will examine Congress as a public law institution. Our first branch of government is often decried as broken or dysfunctional. While legal scholars have developed rich accounts of the internal workings of the presidency and the courts, Congress is too often left behind. But Congress is critical to the functioning of American government, and a fuller understanding of public law requires examining how Congress works and its place in our constitutional system.

Our six meetings will cover the following topics: (1) the motivations and duties of members of Congress; (2) Congress's internal procedures; (3) the causes and consequences of congressional polarization, with an emphasis on consequences for structural constitutional law; (4) the role of norms and norm-breaking in Congress; (5) the ways in which Congress's internal operations can inform statutory interpretation; (6) Congress's role in oversight of the executive branch. In exploring these topics, we will examine both recent events (from the Obama and Trump eras) and historical episodes (such as the passage of the Civil Rights Act).

Major themes will be the intersection of law and politics, the role of Congress in relation to the other branches, and the criteria for understanding whether Congress is succeeding or failing in performing its constitutional functions. Prior background is welcome but not assumed; all are welcome to enroll.

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

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Constitutional Dimensions of the Administrative State: Comparative Perspectives

Course #: 3161

Term: 2023SP

Faculty: Jackson, Vicki

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Mon 6:00 PM - 8:00 PM

Course Description:

Prerequisite: 1L Constitutional Law or Constitutional Law: Separation of Powers

Exam Type: No Exam

Administrative law in the United States is often viewed as a category quite distinct from constitutional law. Yet public administration is, for some, at the core of constitutionalism, in so far as it governs the relationships between citizens and government across a wide range of areas. The constitutional role of executive departments and administrative agencies has become increasingly contentious, as discussed, for example, in Stephen Skowronek et al, *Phantoms of a Beleaguered Republic* (2021). This course will explore the relationships between constitutionalism and public administration, between constitutional law and administrative law, in the United States and in other constitutional democracies. Specific topics are likely to include the constitutional role and degree of independence of the civil service and of "Fourth Branch" institutions designed to protect integrity and competence; the "deep state" as concept and critique; constitutional variations between and among parliamentary and presidential systems that affect the execution of laws; the constitutional roles of legislatures, after enacting laws, in supervising their administration; the role of courts in reviewing challenges to executive/ administrative actions or omissions; the role of chief executives, heads of department or ministers in issuing regulations and administering the law; and constitutions as facilitating or obstructing effective and rights-respecting administration of public law.

If a student has a particular interest in writing a substantial paper on a topic related to comparative constitutional law, and also has an interest in the Reading Group, please email Professor Jackson, copying her Faculty Assistant, to discuss the possibilities for enrolling in the course.

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

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Constitutional History II: From Reconstruction to the Civil Rights Movement

Course #: 2453

Term: 2023SP

Faculty: Klarman, Michael

Credits: 3.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Legal History

Delivery Mode: Course

Days and Times:

Location

Mon 10:30 AM - 11:30 AM

Tue 10:30 AM - 11:30 AM

Wed 10:30 AM - 11:30 AM

Course Description:

Prerequisite: None

Exam Type: Any Day Take-Home

This course examines, from the perspective of social and political history, constitutional developments from the enactment of the post-Civil War constitutional amendments to the Supreme Court's decision in *Brown v. Board of Education* and its effect on the civil rights movement. The principal issues addressed include the enactment and early judicial interpretation of the 13th, 14th, and 15th amendments; the constitutional questions raised by segregation and disfranchisement during the Plessy era; economic regulation during the Lochner era; the birth of the modern first amendment during the interwar period; women's suffrage and the 19th amendment; race issues during the interwar period; the constitutional crisis over the New Deal in the 1930s; Japanese American internment and *Korematsu*; first amendment issues raised during and after World War II; and, finally, the road to *Brown v. Board of Education* as well as an assessment of that decision's historical significance.

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Constitutional Law: First Amendment

Course #: 2035 **Term:** 2022FA **Faculty:** Parker, Richard **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:15 AM - 12:15 PM

Tue 10:15 AM - 12:15 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:** 2022FA **Faculty:** Fallon, Richard **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 2:50 PM

Thu 1:30 PM - 2:50 PM

Fri 1:30 PM - 2:50 PM

Course Description: Prerequisites: None
Exam Type: In Class

This course will deal principally with the Free Speech Clause of the First Amendment. Free Exercise and Establishment Clause issues will also be discussed, though in less detail. Assigned materials will include readings in First Amendment theory as well as Supreme Court cases. Willingness to participate in class discussion, including in response to cold calls, is a requirement of enrollment.

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Constitutional Law: First Amendment

Course #: 2035 **Term:** 2023SP **Faculty:** Campbell, Jud **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 1:30 PM - 3:30 PM

Mon 1:30 PM - 3:30 PM

Course Description: Prerequisites: None

Exam Type: Any-Day Take-Home

This course explores the individual and associational rights protected under the First Amendment, including the Speech and Press Clauses, the Free Exercise Clause, and the Establishment Clause.

Constitutional Law: First Amendment

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

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:15 AM - 12:15 PM

Fri 10:15 AM - 12:15 PM

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

Exam Type: Any-Day Take-Home

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

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Constitutional Law: First Amendment

Course #: 2035 **Term:** 2022FA **Faculty:** Fried, Charles **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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.

Constitutional Law: First Amendment

Course #: 2035 **Term:** 2023SP **Faculty:** Field, Martha **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 2:50 PM

Thu 1:30 PM - 2:50 PM

Fri 1:30 PM - 2:50 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: Money and the Making of American Capitalism

Course #: 2452

Term: 2023SP

Faculty: Desan, Christine

Credits: 4.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance; Constitutional Law & Civil Rights; Legal History

Delivery Mode: Course

Days and Times:

Location

Mon 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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 4-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.

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

Course #: 2036

Term: 2023SP

Faculty: Parker, Richard

Credits: 4.00

Type: Multisection

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

Delivery Mode: Course

Days and Times:

Location

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

Course Description:

Prerequisites: None.

Exam Type: Any-Day Take-Home

This is one of the basic courses in American Constitutional Law. It focuses primarily on Equal Protection and Due Process - and secondarily on Federalism and Separation of Powers. Because constitutional law is always [at least potentially] in motion, this class will feature its development through time, animated and structured by momentous shifts in its political and social contexts as well as by ideological tensions deep within the law itself. We'll analyze the ebb and flow of doctrine and argument, concentrating on the modern period beginning with *Brown v. Board of Education*.

All of that will prepare us to speculate about possible developments that lie ahead now. We'll finish by addressing the contemporary challenge posed by populist uprisings, and the supposed crisis of constitutional democracy, in the West.

The overall aim of the class will be to enable you not only to understand constitutional law, but to make effective constitutional argument and to better understand law in general, especially in its relation to emotion, imagination and politics.

In class, there will be no mandatory participation. But I'll call on students, along with encouraging volunteers, in order to ensure discussions are truly open to all points of view. If the class has under 50 students, a few grades may be raised in cases of excellent participation in class discussions.

Note: This course is not available for rising 2Ls & 3Ls 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: 2022FA

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 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

Course Description:

Prerequisites: None

Exam type: Any Day Take-Home

This course focuses on the structure of the United States government, including the doctrines of separation of powers and federalism, and 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 & 3Ls due to substantial overlap with the 1L Constitutional Law course.

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Constitutions, Law, and Empire

Course #: 2412

Term: 2023SP

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 3:45 PM - 5:45 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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Consumer Financial Market Regulation

Course #: 3016

Term: 2022FA

Faculty: Silberman, David

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance; Government Structure & Function; Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisites: None

Exam Type: No Exam

Consumer financial products and services, and especially the wide range of credit products from mortgages to payday and pawn loans, play a central role in the everyday lives of most Americans. The availability and use of credit are also large drivers of the broader economy.

Most of these products are provided by financial institutions and purchased by consumers in private exchanges. Over the past 50-plus years, Congress has enacted a myriad of statutes governing consumer finance and in so doing conferred on various administrative agencies substantial discretionary, quasi-legislative authority to regulate how these products are marketed and delivered. In the Dodd-Frank Act of 2010, Congress consolidated most of those authorities into a new agency, the Consumer Financial Protection Bureau, with a broad mandate and even a wider degree of discretion than had previously existed. Defining the limits of that authority, and deciding when, how, and to what extent it should be exercised, are recurring issues that regulators face and that lawyers representing clients in regulatory proceedings must be prepared to address as well.

This course will introduce students to a set of real-world legal and policy questions that have arisen during the Bureau's first decade, including questions relating to the regulation of mortgages, auto loans, credit cards, payday loans and overdraft services. In lieu of a textbook, there will be readings for each unit which will provide students with a grounding in the underlying product, the governing legal framework, and relevant research findings. Students will evaluate the legal and policy justifications for regulation and develop, advocate for, and critique alternative regulatory solutions. In so doing, students will hone their skills as advocates and regulatory attorneys within a framework involving the intersection of law and policy.

The instructor served as the head of the Division of Research, Markets and Regulations at the CFPB during the Bureau's first nine years and as Acting Deputy Director of the Bureau for two of those years. He currently advises nonprofits focused on the impact of consumer finance products and regulations on financial well-being.

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Consumer Protection Clinic

Course #: 8035 **Term:** 2023SP **Faculty:** Bertling, Roger **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this 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: 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 2, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).
The 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 is primarily litigation and involves consumer, bankruptcy, administrative, and tort law.
The Clinic:

defends consumers against unlawful debt collection practices in state court.
represents consumers in affirmative litigation against high cost and abusive lenders.
represents 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 Fair Debt Collection Act, the Fair Credit Reporting Act, the Telephone Consumer Protection Act, the Electronic Funds Transfer 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, administrative law and procedure, and occasionally, federal and state policy advocacy.

For more information on the Consumer Protection Clinic please contact Roger Bertling, (617) 390-2572.

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Consumer Protection Clinic

Course #: 8035 **Term:** 2022FA **Faculty:** Bertling, Roger **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this 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: 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 12, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.

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

The 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 is primarily litigation and involves consumer, bankruptcy, administrative, and tort law.

The Clinic:

defends consumers against unlawful debt collection practices in state court.

represents consumers in affirmative litigation against high cost and abusive lenders.

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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 Fair Debt Collection Act, the Fair Credit Reporting Act, the Telephone Consumer Protection Act, the Electronic Funds Transfer 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, administrative law and procedure, and occasionally, federal and state policy advocacy.

For more information on the Consumer Protection Clinic please contact Roger Bertling, (617) 390-2572.

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Consumer Protection Clinical Seminar

Course #: 2204 **Term:** 2022FA **Faculty:** Bertling, Roger; Rosenbloom, Alexa **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:30 PM - 3:30 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component: 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 12, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
The Consumer Protection Clinical Seminar is a required component of a clinical placement in the 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 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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Consumer Protection Clinical Seminar

Course #: 2204 **Term:** 2023SP **Faculty:** Bertling, Roger; Rosenbloom, Alexa **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:30 PM - 3:30 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component: 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 2, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
The Consumer Protection Clinical Seminar is a required component of a clinical placement in the 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 clinic's 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 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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Contemporary Issues in Constitutional Law

Course #: 2897

Term: 2022FA

Faculty: Liu, Goodwin

Credits: 2.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights

Delivery Mode: Seminar

Days and Times:

Location

Thu 5:00 PM - 8:00 PM

Mon 5:00 PM - 8:00 PM

Tue 5:00 PM - 8:00 PM

Wed 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 from September 26 through October 7, 2022.

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Contract Design: Theory and Practice

Course #: 3157 **Term:** 2022FA **Faculty:** Pargendler, Mariana **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

This seminar will explore practices and strategies of contract design as one of the main tasks performed by transactional lawyers. We will examine the driving forces behind evolution, standardization and innovation in deal terms in a variety of concrete contexts. Topics examined include the role of contract design in value creation; the interaction between formal contract clauses and relational dynamics; the influence of bargaining power; the economics of boilerplate; the relative costs and benefits of vague and precise terms; the effects of institutional differences across jurisdictions; and the impact of technology and artificial intelligence. While this is not an experiential course, the materials include case studies in addition to theory. Students will have the option of writing either a number of reflection papers or a single research paper.

Copyright

Course #: 2042 **Term:** 2023SP **Faculty:** 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**

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

Mon 10:20 AM - 11:40 AM

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/>.

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Copyright

Course #: 2042 **Term:** 2022FA **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.

Copyright and Trademark Litigation

Course #: 2043 **Term:** 2022FA **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 1:30 PM - 3:30 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 copyrightability, authorship, substantial similarity, 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 Accountability in Armed Conflict

Course #: 3189

Term: 2022FA

Faculty: Kalpouzos, Ioannis

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisite: Public International Law, Law of War, International Criminal Law or International Human Rights Law
Exam Type: No Exam

This upper-level reading group will examine the law governing different types of participation of corporations in armed conflict and related avenues for accountability. The readings will be structured around two types of corporations and their involvement in war: private military companies (PMCs) participating in armed conflict; corporations developing, producing, and trading in arms. Issues covered will include: the law governing the conduct of PMCs and avenues for their accountability; arms trade law and direct or accessorial liability for arms traders; accountability mechanisms, including international criminal law, human rights law, and soft law mechanisms. Examples will be drawn from recent and current conflicts, including those in Yemen, Syria, Ukraine and Mali.

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

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Corporate and Capital Markets Law and Policy

Course #: 2362 **Term:** 2022FA **Faculty:** Bebchuk, Lucian; Kastiel, Kobi **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:30 PM

Thu 1:30 PM - 3:30 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

This 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, hedge fund activism, control contests, executive compensation, controlling shareholders, dual-class structures, 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 their current research. To illustrate, recent speakers in this course have included prominent hedge fund activists, a sitting SEC Commissioner, the former Chief Justice of the Delaware Supreme Court, a leading M&A litigator, and prominent academics.

Readings will mainly be law review articles and materials related to speakers' practice activities or policy research. Some 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, the course will meet for twelve 2-hour sessions which will take place during the time slot of the course and will be concentrated during the first two month of the semester. There will be no examination. Instead, students will be asked to submit, before sessions, a brief memo on the assigned readings. Grades will be based on these memos (primarily) and on participation in class discussion.

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Corporate Criminal Investigations

Course #: 2263 **Term:** 2022FA **Faculty:** Kahn, Daniel; Tsao, Leo; Laryea, Lorinda **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisites: None
Exam Type: No Exam

The criminal investigation and prosecution of corporate misconduct are among the most high profile areas of focus for federal prosecutors and the white-collar defense bar. Recent major prosecutions of corporations and individuals for violations of the Foreign Corrupt Practices Act (FCPA), the Bank Secrecy Act (BSA), and the International Emergency Economic Powers Act (IEEPA) demonstrate that this is an increasing area of enforcement in the United States. Yet, the practice of prosecuting and defending corporations remains one of the least understood areas of criminal law. Decisions on how to charge and sanction corporations are subject to policies set by the U.S. Department of Justice. Moreover, such matters are becoming increasingly complex as foreign law enforcement and regulatory agencies become more active in focusing on these corporate crimes. These multi-jurisdictional investigations pose new obstacles to government enforcers and defense practitioners, and new legal questions for courts to address.

This seminar will explore various aspects of corporate criminal investigations and prosecutions. Topics to be covered include principles of corporate liability; conducting internal and government investigations of corporate misconduct; strategic considerations for prosecutors and defense counsel in corporate criminal investigations; Department of Justice policies on charging, including those designed to incentivize voluntary disclosures, cooperation and remediation; legal and practical issues implicated by multi-jurisdictional cases; corporate compliance programs; and proposals for reform of corporate criminal laws and policies.

Corporate Finance

Course #: 2244 **Term:** 2023SP **Faculty:** Ferrell, Allen **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:30 AM - 12:00 PM

Fri 10:30 AM - 12:00 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.

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Corporate Finance

Course #: 2044 **Term:** 2022FA **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 10:15 AM - 12:15 PM

Tue 10:15 AM - 12:15 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: In Class

This course's immodest ambition is to equip you with powerful analytical tools to understand your clients, the law, and the world. "Corporate" describes most of the applications in the course, but the concepts are much more general. They include (1) replicating cash flows and the law of one price; (2) diversification and market efficiency; (3) capital structure; (4) options and auction. Learning these concepts is hard but rewarding.

The course is divided into four modules of three weeks each covering concepts (1)-(4) mentioned above. The bulk of the course is 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. We will not waste time with practice acronyms and jargon, which are very easy to learn on the job. There will be plenty of numerical exercises but little math.

Corporate Governance: Corporate Purpose

Course #: 3026 **Term:** 2022FA **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**

Thu 10:15 AM - 12:15 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 seven weeks; specific dates TBD.

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Corporations

Course #: 2048 **Term:** 2022FA **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 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 PM

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

Exam: In Class

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. In addition to the final exam, there will be regular pass/fail quizzes throughout the semester.

Materials: Spamann/Hirst/Rauterberg, Corporations in 100 Pages

(<https://www.amazon.com/dp/B09BY81MH7>), and additional materials and problems distributed in class.

Corporations

Course #: 2048 **Term:** 2023SP **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 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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: 2023SP

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 3:50 PM - 5:10 PM

Tue 3:50 PM - 5:10 PM

Wed 3:50 PM - 5:10 PM

Course Description:

Prerequisites: This is an introductory course without formal prerequisites. Nevertheless, students who are unfamiliar with rudimentary accounting and finance concepts are encouraged to take Analytical Methods for Lawyers or equivalent course online, either before or during the semester that they enroll 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. Several themes run throughout the course: one 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. This section of corporations is relatively traditional insofar as it relies on particular cases or statutory provisions to illustrate provisional solutions to generic problems that arise from contractual entities and the corporate form. But case law also preserves a record of change, since corporate law continuously evolves with new transactional technologies, changing markets, and emergent social norms.

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Corporations

Course #: 2048 **Term:** 2022FA **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. In addition to the final exam, there will be regular pass/fail quizzes throughout the semester.

Materials: Spamann/Hirst/Rauterberg, Corporations in 100 Pages

(<https://www.amazon.com/dp/B09BY81MH7>), and additional materials and problems distributed in class.

Corporations

Course #: 2048 **Term:** 2023SP **Faculty:** Coates, John **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

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

Exam Type: In Class and Last Class Take-Home

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

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

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Corporations

Course #: 2048 **Term:** 2022FA **Faculty:** Catan, Emiliano **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:15 AM - 12:15 PM

Tue 10:15 AM - 12:15 PM

Course Description: Prerequisite: None
Exam Type: In Class

This is the basic course on Corporations. It covers, among other topics, formation; certificate of incorporation and bylaws; limited liability; management and control rights and powers of shareholders, directors, and officers; shareholder voting; fiduciary and other duties and liabilities of officers and directors; amendments to the certificate of incorporation; and mergers and acquisitions.

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

Course #: 2931 **Term:** 2022FA **Faculty:** Peskoe, Ari **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Wed 3:45 PM - 5:45 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:** 2023WS **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.
Enrollment in this clinic will fulfill the HLS JD pro bono 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, 2022.

Add/Drop Deadline: November 11, 2022.

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 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 and 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 organizations Supreme Court and 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 students reason for applying to the clinic, including particular criminal justice issues the student is interested in, and (ii) any prior exposure to

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appellate and/or criminal justice issues. Applications should be submitted to clinical@law.harvard.edu by October 23, 2022.

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Criminal Justice Appellate Clinical Seminar

Course #: 2363

Term: 2023WI

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, 2022.

Add/Drop Deadline: November 11, 2022.

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 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 MJCs 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 nations 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 organizations 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 and 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 MJCs Washington, D.C. office, who serves as the organization's Supreme Court and 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 students reason for applying to the clinic,

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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, 2022.

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Criminal Justice Institute: Criminal Defense Clinic

Course #: 8002 **Term:** 2022FW **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.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Open to 3Ls only

Required Class Component: Criminal Justice Institute: Defense Theory and Practice (3 fall classroom credits + 1 winter classroom credit). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: Trial Advocacy Workshop (TAW) and Evidence. Students who have not completed these requirements during their 2L year must enroll in the Fall TAW and a Fall Evidence section. 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 12, 2022.

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 28, Thursday, September 29 AND Friday, September 30, 2022. 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. 26) or Tuesday (Sept. 27).

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.

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Criminal Justice Institute: Criminal Defense Clinic

Course #: 8002 **Term:** 2023WS **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.
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Open to 3Ls only. Required Class Component: Criminal Justice Institute: Defense Theory and Practice (3 fall classroom credits + 1 winter classroom credit). 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 who have not completed these requirements during their 2L year must enroll in the Fall TAW and a Fall Evidence section. 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 12, 2022.
LLM Students: 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 12, 2022.
Mandatory Meetings: All students enrolled in the clinic (fall-winter and winter-spring) must attend mandatory orientation sessions (times indicated below) on Wednesday, September 28, Thursday, September 29 AND Friday, September 30, 2022. 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. 26) or Tuesday (Sept. 27).
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

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Criminal Justice Institute: Defense Theory and Practice

Course #: 2261

Term: 2022FW

Faculty: Umunna, Dehlia

Credits: 4.00

Type: Elective

Subject Areas: Criminal Law & Procedure; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Tue 3:45 PM - 5:45 PM

Wed 3:45 PM - 5:45 PM

Wed 1:45 PM - 3:45 PM

Thu 1:45 PM - 3:45 PM

Course Description:

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

Students who enroll in this 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 12, 2022.

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 28, Thursday, September 29 AND Friday, September 30, 2022. 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. 26) or Tuesday (Sept. 27).

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

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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 26 – September 30, 2022. 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. 26) or Tuesday (Sept. 27) from 8:45 AM - 3:00 PM. Additionally, all students must attend the mandatory orientation sessions on Wednesday (Sept. 28) from 12:00 PM – 5:00 PM, Thursday (Sep.29) from 2:00 PM – 5:00 PM, as well as on Friday (Sep.30) from 9:00 AM – 2:00 PM. Starting this first week and throughout the Fall, class will meet on Tuesdays and Wednesdays from 4:15 PM - 6:15 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 5, 2023, 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 Procedure: Adjudication

Course #: 2049

Term: 2023SP

Faculty: Lanni, Adriaan

Credits: 4.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Thu 10:15 AM - 12:15 PM

Fri 10:15 AM - 12:15 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.

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Criminal Procedure: Investigations

Course #: 2050 **Term:** 2022FA **Faculty:** Crespo, Andrew **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:30 PM

Thu 1:30 PM - 3:30 PM

Course Description: Prerequisites: None

Exam Type: In Class

This course examines the relationship between the people and the police, primarily by examining the constitutional doctrines of the Fourth and Fifth Amendments that regulate law enforcement behavior. Topics will include custodial interrogation, search and seizure, stop and frisk, electronic surveillance, probable cause, warrants and their exceptions, excessive force, and exclusionary remedies. In addition to doctrinal examination, the course will also explore some of the challenging policy questions associated with contemporary policing, as it exists and is carried out in Americas cities.

Criminal Procedure: Investigations

Course #: 2050 **Term:** 2023SP **Faculty:** Jain, Eisha **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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: 2023WI

Faculty: Whiting, Alex

Credits: 3.00

Type: Multisection

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

Delivery Mode: Course

Days and Times:

Location

Thu 9:00 AM - 12:30 PM

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

Course Description: Prerequisites: None

Exam Type: In Class

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

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Criminal Prosecution Clinic

Course #: 8003 **Term:** 2022FW **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 12, 2022.
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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Criminal Prosecution Clinical Seminar

Course #: 2328

Term: 2022FW

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 - 8:15 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.
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 12, 2022.
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 three-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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Crimmigration Clinic

Course #: 8043 **Term:** 2023SP **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 from JD students are due by April 29, 2022. The application deadline for transfer students is August 12, 2022.
Add/Drop Deadline: August 26, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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 29, 2022. 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: 2022FA

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 from JD students are due by April 29, 2022. The application deadline for transfer students is August 12, 2022.

Add/Drop Deadline: August 12, 2022.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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 29, 2022. 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: 2022FA

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 10:15 AM - 12:15 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.

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Critical Corporate Theory Lab

Course #: 3107 **Term:** 2022FA **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 6:00 PM - 8:00 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. 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.

Critical Race Theorists and their Critics

Course #: 3096 **Term:** 2023SP **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**

Wed 3:45 PM - 5:45 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.

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Critical Race Theory

Course #: 2279 **Term:** 2022FA **Faculty:** Mack, Kenneth **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 6:00 PM - 8:00 PM

Course Description: Prerequisite: None
Exam Type: No Exam

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

Critical Theory in Legal Scholarship

Course #: 2052 **Term:** 2022FA **Faculty:** Halley, Janet **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 6:00 PM - 8:00 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 LLMs writing scholarly papers or 2Ls and 3Ls in the early, middle or late stages of framing an academic project. LLMs are encouraged to enroll. SJDs are welcome to audit.

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Current Topics in Latino Civil Rights

Course #: 2903

Term: 2023SP

Faculty: Perales, Nina

Credits: 1.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights

Delivery Mode: Reading Group

Days and Times:

Location

Mon 10:15 AM - 12:15 PM

Tue 10:15 AM - 12:15 PM

Course Description: Prerequisite: None

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 three weeks, dates TBD.

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Current Topics in the Law of Work and Gender

Course #: 3163

Term: 2023SP

Faculty: Schoenbaum, Naomi

Credits: 1.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Employment & Labor Law; Family, Gender & Children's Law

Delivery Mode: Reading Group

Days and Times:

Location

Wed 3:45 PM - 5:45 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

This reading group will explore the subjects of work and gender, their relationship, and how the law regulates their intersection. We will examine how work and gender mutually constitute each other, and how the law can and should mediate this, paying special attention to changing ideas of sex and gender. Through court cases and scholarship from law and related fields, we will consider these questions through a range of topics, including occupational segregation, sexual orientation, gender identity, sexual harassment, pregnancy, and caregiving.

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

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Cyberlaw Clinic

Course #: 8004

Term: 2023SP

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 2, 2022.

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:** 2022FA **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 12, 2022.

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:** 2022FA **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 1:30 PM - 3:30 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 12, 2022.
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:** 2023SP **Faculty:** Bavitz, Christopher; Fjeld, Jessica **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:30 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 2, 2022.
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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Deals

Course #: 2445 **Term:** 2022FA **Faculty:** Subramanian, Guhan **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Prerequisite: For JD students, this course is open to those who have taken, or are concurrently taking, Corporations.

For LLM students, Corporations must be taken concurrently.

Exam Type: No Exam

Evaluation will be on the basis of class participation and bi-weekly journals.

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

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

The class will be comprised of approximately an equal number of students from HBS and HLS.

Note: This course will meet on a condensed schedule, starting on October 17, 2022.

This course will meet on HBS's campus.

Cross-registration is not allowed for this course.

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Deals

Course #: 2445 **Term:** 2023SP **Faculty:** Subramanian, Guhan **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 PM

Wed 1:30 PM - 3:30 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Schedule is forthcoming.
Prerequisite: For JD students, you must have completed Corporations prior to enrolling in this course.

For LLM students, Corporations or its equivalent is a prerequisite.

Exam Type: No Exam

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

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

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

The class will be comprised of approximately an equal number of students from HBS and HLS.

Cross-registration is not allowed for this course.

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Democracy and the Rule of Law Clinic

Course #: 8049 **Term:** 2022FA **Faculty:** Florence, Justin; Kwon, Christine **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 12, 2022.

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 Protect Democracy, a nonpartisan nonprofit founded by former White House and Department of Justice attorneys and dedicated to preventing our democracy from declining into a more authoritarian form of government. Protect Democracy accomplishes its mission by working to combat the tactics that authoritarian leaders use to undermine our free, fair, and fully-informed pursuit of self-government, and by pursuing pro-democracy reforms to renew and improve our democratic norms and institutions. Most clinical work will be done remotely.

Students in the Democracy and the Rule of Law Clinic will work with Protect Democracy to safeguard the key features of a democratic society through a variety of tools that advance our mission, including: impact litigation; policy advocacy to members of Congress, and other local, state, and federal officials; strategic partnerships with other groups and individuals who align with our mission; communications through media outlets, reports, social media posts, and our website; and Freedom of Information Act requests. 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 integrated into existing Protect Democracy project teams and take on legal research and writing, legal drafting, policy advocacy and analysis, and other assignments to advance projects' advocacy goals. 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, including appellate and amicus briefs.

Drafting white papers, op-eds, blog posts, and letters or memoranda to federal, state, and local

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government officials.

Developing proposals and assessing opportunities for legislative reform, and helping advocate for desired reforms.

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.

Students need not have any particular background or experience to enroll; Protect Democracy recognizes that there is strength in diversity and strongly encourages students from historically marginalized and other underrepresented and non-traditional backgrounds and from across the political and ideological spectrum to join the clinic. Students will have the opportunity to develop substantive knowledge; build litigation, oversight, oral advocacy, and other practical skills; and gain opportunities for professional development. They will work closely with experienced former government attorneys and policy advocates.

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Democracy and the Rule of Law Clinic

Course #: 8049 **Term:** 2023SP **Faculty:** Nadeau, Genevieve; 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 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 2, 2022. 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 Protect Democracy, a nonpartisan nonprofit founded by former White House and Department of Justice attorneys and dedicated to preventing our democracy from declining into a more authoritarian form of government. Protect Democracy accomplishes its mission by working to combat the tactics that authoritarian leaders use to undermine our free, fair, and fully-informed pursuit of self-government, and by pursuing pro-democracy reforms to renew and improve our democratic norms and institutions. Most clinical work will be done remotely.

Students in the Democracy and the Rule of Law Clinic will work with Protect Democracy to safeguard the key features of a democratic society through a variety of tools that advance our mission, including: impact litigation; policy advocacy to members of Congress, and other local, state, and federal officials; strategic partnerships with other groups and individuals who align with our mission; communications through media outlets, reports, social media posts, and our website; and Freedom of Information Act requests. 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 integrated into existing Protect Democracy project teams and take on legal research and writing, legal drafting, policy advocacy and analysis, and other assignments to advance projects' advocacy goals. 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, including appellate and amicus briefs.

Drafting white papers, op-eds, blog posts, and letters or memoranda to federal, state, and local government officials.

Developing proposals and assessing opportunities for legislative reform, and helping advocate for desired reforms.

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.

Students need not have any particular background or experience to enroll; Protect Democracy recognizes that there is strength in diversity and strongly encourages students from historically marginalized and

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Digital Governance: Privacy and Technology Trade-Offs

Course #: 3101 **Term:** 2022FA **Faculty:** 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 3:45 PM - 5:45 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.

Disability Rights Law

Course #: 2058 **Term:** 2023SP **Faculty:** Stein, Michael Ashley **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 6:00 PM - 8:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam

This course encompasses many aspects of disability rights, laws, and policies, with particular emphasis on the Americans with Disabilities Act (ADA) which regulates employment, state and local governments, transportation, and public accommodations. Readings, lectures, and other disability studies materials will provide context for the covered legal issues. All materials are posted to the course website. Your grade will be determined by a 15-20 page research and reflection paper.

I am happy to meet with you at a mutually convenient time to discuss class, papers, jobs, life, etc. Please email me to make an appointment: mastein@law.harvard.edu. I am also available to review draft papers.

Note: This course is not available for cross-registration.

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Dispute Systems Design Clinical Seminar

Course #: 2194

Term: 2023SP

Faculty: Franklin, Morgan

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Tue 3:45 PM - 5:45 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 2, 2022.

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. 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.

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Dispute Systems Design Clinical Seminar

Course #: 2194

Term: 2022FA

Faculty: McGaraghan, Neil

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Mon 1:30 PM - 3:30 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 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: Negotiation Workshop is recommended but not required.

By Permission: No.

Add/Drop Deadline: August 12, 2022.

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 2022. 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.

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Diversity and Dispute Resolution

Course #: 2929

Term: 2023WI

Faculty: Hoffman, David; Lee, Audrey

Credits: 3.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Procedure & Practice

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

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 800-1,000 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 Ta-Nehisi Coates, Kim Crenshaw, Richard Delgado, Carol Gilligan, Trina Grillo, Michele LeBaron, Carol Liebman, Larry Susskind, and Kenji Yoshino.

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Drug and Device Innovation

Course #: 3186

Term: 2023SP

Faculty: Simon, David

Credits: 2.00

Type: Elective

Subject Areas: Health Law; Regulatory Law

Delivery Mode: Seminar

Days and Times:

Location

Mon 3:45 PM - 5:45 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

This seminar examines innovation law and policy in the context of drugs and devices regulated by the Food & Drug Administration. It explores problems relating to data generation, patents, market exclusivities, tax credits, funding models, innovation design, public governance, and private ordering. Among the questions we will address are the following:

What are the stated and actual effects of laws that regulate drugs and devices?

How and why do laws directed at devices and drugs differ in scope and substance?

What laws other than the Food, Drug, & Cosmetic Act influence drug and device development?

What kind of innovation issues demand new legal regimes rather than a reliance on old ones?

How do issues of federalism and interagency cooperation affect innovation of drugs and devices?

Which actors are best positioned to competently assess innovation challenges for drugs and devices and to implement appropriate changes?

To examine these questions, students will read cases, legislation, administrative regulations, government documents, and academic works. Student performance will be evaluated based on a final paper (80%) and participation (20%).

Harvard Law School Course Catalog

2022-2023 Academic Year

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Drug Product Liability Litigation

Course #: 2293

Term: 2022FA

Faculty: Grossi, Peter

Credits: 2.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Wed 1:30 PM - 3:30 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.

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

Harvard Law School Course Catalog

2022-2023 Academic Year

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Drug Product Liability Litigation

Course #: 2293

Term: 2022FA

Faculty: Grossi, Peter

Credits: 3.00

Type: Elective

Subject Areas: Health Law; Regulatory Law

Delivery Mode: Course

Days and Times:

Location

Wed 1:30 PM - 3:30 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 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.

Harvard Law School Course Catalog

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Economic Analysis of Law

Course #: 2062 **Term:** 2022FA **Faculty:** Shavell, Steven **Credits:** 3.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Government Structure & Function; Legal & Political Theory; Regulatory Law

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description: 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

2022-2023 Academic Year

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Education Law Clinic: Individual Representation

Course #: 8006 **Term:** 2022FA **Faculty:** Gregory, Michael; Guinn, Jodi **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 5, 2022. LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application. Placement Site: HLS. Students must attend a mandatory orientation session on Friday, September 9, 2022 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 TLPI's ongoing multi-strategic advocacy campaign to create safe and supportive school environments where all students can learn and thrive.

Harvard Law School Course Catalog

2022-2023 Academic Year

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Education Law Clinic: Individual Representation

Course #: 8006

Term: 2023SP

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 November 18, 2022. LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application. Placement Site: HLS.

Students must attend a mandatory orientation session on Friday, January 27, 2023 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 TLPI's ongoing multi-strategic advocacy campaign to create safe and supportive school environments where all students can learn and thrive.

Harvard Law School Course Catalog

2022-2023 Academic Year

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Education Law Clinic: Legislative and Administrative Lawyering

Course #: 8057

Term: 2023SP

Faculty: Gregory, Michael

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: 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 18, 2022.

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

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: 2022FA

Faculty: Charles, Guy-Uriel

Credits: 3.00

Type: Elective

Subject Areas: Government Structure & Function

Delivery Mode: Course

Days and Times:

Location

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

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: 2022FA

Faculty: Greenwood, Ruth

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 from JD students are due by July 15, 2022.

Add/Drop Deadline: August 12, 2022.

LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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. Professor 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 (elc@law.harvard.edu) with the subject line "ELC Application 2022-2023" by July 15, 2022.

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2022-2023 Academic Year

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Election Law Clinic

Course #: 8053 **Term:** 2023SP **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 from JD students are due by July 15, 2022.
Add/Drop Deadline: December 2, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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. Professor 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 (elc@law.harvard.edu) with the subject line "ELC Application 2022-2023" by July 15, 2022.

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Election Law Clinical Seminar

Course #: 3005 **Term:** 2022FA **Faculty:** Greenwood, Ruth; Lee, Theresa **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 3:45 PM - 5:45 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 from JD students are due by July 15, 2022.
Add/Drop Deadline: August 12, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
This seminar is for all students enrolled in the Election Law Clinic. 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.

Election Law Clinical Seminar

Course #: 3005 **Term:** 2023SP **Faculty:** Greenwood, Ruth; Lee, Theresa **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 3:45 PM - 5:45 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 from JD students are due by July 15, 2022.
Add/Drop Deadline: December 2, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
This seminar is for all students enrolled in the Election Law Clinic. 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.

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Empirical Law and Finance

Course #: 2253 **Term:** 2022FA **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 3:45 PM - 5:45 PM

Course Description: Prerequisites: None

Exam Type: No Exam

Empirical tools have been increasingly used in litigation, regulation, and policymaking in the fields of corporate law, corporate governance, and securities regulation. 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 studies with the students.

The course will not meet for six 2-hour sessions which will take place during the time slot of the course and will be concentrated during the first two month of the semester. There will be no examination. Instead, students will be asked to submit, before sessions, a brief memo on the readings assigned for the session. Grades will be based on these memos (primarily) and on participation in class discussion.

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..

Note: This course will meet for six Monday sessions, which will be concentrated during the first two months of the semester.

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Empirical Methods and Data Analysis for Lawyers

Course #: 2708

Term: 2022FA

Faculty: Cohen, Alma

Credits: 3.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Wed 1:30 PM - 3:30 PM

Thu 1:30 PM - 3:30 PM

Course Description: Prerequisites: None
Exam: No Exam

Empirical data, and statistical and empirical tools and concepts, are increasingly used in litigation, regulation, and legal policymaking and research. This course aims at providing students with basic training in using statistical and empirical tools. No prior work in empirical methods or statistics will be required or assumed.

The course is hands-on and applied in nature. Students will learn to use a standard statistical/empirical software package and subsequently use it to analyze data.

Topics that will be covered include descriptive statistics and graphs, statistical inferences and hypothesis testing, correlation, regressions (both simple regression and multiple regression), and distinguishing between correlation and causation. Students will use actual data, and law-related examples will be used to illustrate the concepts and tools taught.

There will be no exam. Instead, students will be required to submit ungraded exercises and to conduct an empirical analysis of a dataset, and grading will be based on the student's empirical analysis.

The course will meet for 18 two-hour sessions, which will all meet during the time slot of the course and will be concentrated during the first two months of the semester.

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Employment Discrimination

Course #: 2068 **Term:** 2022FA **Faculty:** Clarke, Jessica **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

Course Description: Prerequisite: None
Exam Type: In Class

This course considers legal prohibitions on employment discrimination. It focuses on Title VII of the 1964 Civil Rights Act, which prohibits employment discrimination based on race, color, religion, sex, or national origin. Legal readings will be supplemented by materials from history, psychology, philosophy, economics, and literature. The course will address topics including how to define discrimination, frameworks for proving discrimination, sexual harassment, affirmative action, and accommodation. We will examine questions including whether employment discrimination law should focus on protecting classes, eliminating stereotypes, or something else, whether the law should account for research from other disciplines such as psychology, and whether the law should forbid discrimination on the basis of additional categories.

Employment Law

Course #: 2069 **Term:** 2023SP **Faculty:** Block, Sharon **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:15 AM - 12:15 PM

Fri 10:15 AM - 12:15 PM

Course Description: Prerequisite: None
Exam Type: One-Day Takehome

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 workers in the U.S. We will discuss the elements of establishing employee versus independent contractor status and examine the implications of that difference throughout the course. We will address 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. We will explore how COVID has impacted these doctrines.

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Employment Law Clinic

Course #: 8012 **Term:** 2022FA **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 12, 2022.
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:** 2023SP **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 2, 2022.
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 Workshop: Advocacy Skills

Course #: 2070

Term: 2022FA

Faculty: Churchill, Steve

Credits: 2.00

Type: Elective

Subject Areas: Employment & Labor Law; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Tue 6:00 PM - 8:00 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 12, 2022.

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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Employment Law Workshop: Strategies for Social Change

Course #: 2071

Term: 2023SP

Faculty: Churchill, Steve

Credits: 2.00

Type: Elective

Subject Areas: Employment & Labor Law; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Tue 6:00 PM - 8:00 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 2, 2022.

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.

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Engaging China

Course #: 2650

Term: 2022FA

Faculty: Alford, William

Credits: 1.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Reading Group

Days and Times:

Location

Thu 6:00 PM - 8:00 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, rights (through the prism of disability rights), the legal profession, corporate social responsibility, corporate governance, the Foreign Corrupt Practices Act, climate change, foreign investment, 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 22-23.

Note: This course will meet roughly twice each month. Please note that, given the time difference, we will plan on holding three sessions in the evening. That would mean from 7-9 for one session in October and after November 6th, from 8-10. Please direct any questions to Professor Alford.

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Environmental Justice

Course #: 3114 **Term:** 2023SP **Faculty:** Simms, Patrice **Credits:** 3.00

Type: Elective **Subject Areas:** Constitutional Law & Civil Rights; Environmental 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: No Exam

Environmental justice has taken center stage as a social, political, and legal issue in recent years, and one cannot fully understand environmental law and policy, or the contemporary environmental movement, without a meaningful appreciation of the history, goals, and principles of environmental justice. Emerging at the intersection of environment and civil rights, the environmental justice movement is a response to the lived experience of people of color, and an indictment of the many ways that race determines environmental burdens and affects people's access to environmental decision-making. This course will explore the history of the environmental justice movement in the United States, its connection to the long history of racism in America, key features of modern environmental justice advocacy, and the laws and policies that both helped to create (and perpetuate) environmental inequity and that seek to remedy environmental injustice. We will explore important principles of procedural justice and distributive justice and how they play out in the environmental arena, the role of federal agencies and federal regulatory programs like the Clean Air Act, and the relationship between the environmental justice community and the largely white-led mainstream environmental movement. Finally, we will examine recent developments, and consider the kinds of changes in law and policy that offer the most promise for creating a more fair, equitable, and just environmental policy landscape.

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Environmental Law

Course #: 2074

Term: 2022FA

Faculty: Lazarus, Richard

Credits: 4.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 10:15 AM - 12:15 PM

Tue 10:15 AM - 12:15 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.

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Environmental Law and Policy Clinic

Course #: 8008 **Term:** 2022FA **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 12, 2022.
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.

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2022-2023 Academic Year

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Environmental Law and Policy Clinic

Course #: 8008 **Term:** 2023SP **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 2, 2022.
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.

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Environmental Law and Policy Clinic

Course #: 8008 **Term:** 2023WI **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 from JD students should be sent directly to Clinic Acting Director Shaun Goho (sgoho@law.harvard.edu) and Jacqueline Calahong (jcalahong@law.harvard.edu) by October 31, 2022.
Add/Drop Deadline: November 11, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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.

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Environmental Law and Policy Clinical Course

Course #: 2842

Term: 2022FA

Faculty: Joroff, Aladdine

Credits: 1.00

Type: Elective

Subject Areas: Environmental Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Tue 3:45 PM - 5:45 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.

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

This course teaches skills and strategies for practicing environmental law as a supplement to enrollment in the Emmett Environmental Law & Policy Clinic. The class examines and works through legal mechanisms for identifying and addressing environmental liabilities in transactions, e.g., the sale of real estate or corporate shares. Students will practice skills such as: parsing and applying statutes and regulations; drafting contract language; interpreting and evaluating environmental assessment reports; issue spotting; and advising clients. These skills are relevant to a wide array of legal work—not just transactional matters. Some learning of environmental laws will be necessary, but mastering black letter law is not the focus of the course. The course is practical, hands-on and participatory. Students will develop and apply skills through class discussions, in-class and written exercises.

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Environmental Law and Policy Clinical Course

Course #: 2842

Term: 2023SP

Faculty: Goho, Shaun

Credits: 1.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Tue 3:45 PM - 5:45 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 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 2, 2022.

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.

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Environmental Law and Policy Clinical Course

Course #: 2842 **Term:** 2023WI **Faculty:** Goho, Shaun; Joroff, Aladdine **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 5:00 PM - 6:10 PM

Tue 5:00 PM - 6:10 PM

Wed 5:00 PM - 6:10 PM

Thu 5:00 PM - 6:10 PM

Fri 5:00 PM - 6:10 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 from JD students should be sent directly to Clinic Acting Director Shaun Goho (sgoho@law.harvard.edu) and Jacqueline Calahong (jcalahong@law.harvard.edu) by October 31, 2022.
Add/Drop Deadline: November 11, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic 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.

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ERISA

Course #: 2659 **Term:** 2023SP **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 1:30 PM - 3:30 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.

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ESG: Corporate Ethics in the 21st Century

Course #: 3111 **Term:** 2022FA **Faculty:** Portugal Gouvêa, Carlos **Credits:** 3.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; Environmental Law; International, Comparative & Foreign Law; Legal Profession, Legal Ethics & Professional Responsibility; Regulatory Law

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:00 PM

Thu 1:30 PM - 3:00 PM

Course Description: Prerequisite: None
Exam Type: Any-Day Take-Home

This course will investigate the rise of ESG (Environmental, Social and Governance) as a dominant investment strategy and its consequences for corporate governance and regulation of several sectors in the global economy. Many might view ESG as simply a facet of corporate social responsibility, corporate governance, stakeholderism or other well-established topics among legal scholars. In order to investigate what it is and is not, we will review the main theories of corporate ethics, focusing on concepts of legal personality and corporate responsibility. From such conceptual discussion, we will deep dive into the understanding of ESG as a methodology to create metrics for investment. We will cover legal aspects of green finance instruments, such as carbon credit markets, green bonds, and sustainability linked-bonds, including their respective model documents and taxonomies. We will also examine current developments in ESG methodology, in particular the race for the creation of global standards and metrics. With the machinery of ESG in mind, we will review how regulators around the world have been reacting to such demands, with a focus on the efforts by the U.S. Securities and Exchange Commission and the European Securities and Markets Authority to fight greenwashing. We will debate complex topics that connect the ESG methodology and law, such as the barriers to the implementation of international carbon markets and its effects on climate change, the social efforts to increase racial and gender diversity in companies, and the progress and backlash in the fight against corruption. We will analyze these topics in light of the challenges in regulating technology companies that usually perform well based on current ESG metrics, but also present major threats, such as increasing demand for energy sources, the presence of algorithmic discrimination, and the difficulties of governing artificial intelligence. At the end, students will be invited to confront this conundrum: is ESG the ultimate technique to actualize corporate ethics, or is it too little, too late, and does not really capture the major ethical problems facing corporations in the 21st century?

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Ethics, Economics and the Law

Course #: 2076 **Term:** 2023SP **Faculty:** Sandel, Michael **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisites: None
Exam Type: No Exam
Explores controversies about the use of markets and market reasoning in areas such as organ sales, procreation, environmental regulation, immigration policy, military service, voting, health care, education, and criminal justice. The seminar will examine arguments for and against cost-benefit analysis, the monetary valuation of life and the risk of death, and the use of economic reasoning in public policy and law.
Note: This course is jointly-listed with FAS as GOV 2034.

Evidence

Course #: 2079 **Term:** 2022FA **Faculty:** Schulman, Emily **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 8:00 AM - 10:00 AM

Mon 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.

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Evidence

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

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:30 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:** 2023SP **Faculty:** Rubin, Peter **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:30 PM

Course Description: Prerequisite: None

Exam Type: In Class

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

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

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Evidence

Course #: 2079

Term: 2023SP

Faculty: Clary, Richard

Credits: 3.00

Type: Multisection

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Wed 1:30 PM - 3:00 PM

Thu 1:30 PM - 3:00 PM

Course Description: 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: 2022FA

Faculty: Brewer, Scott

Credits: 4.00

Type: Multisection

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Thu 1:30 PM - 3:30 PM

Fri 1:30 PM - 3:30 PM

Course Description:

Prerequisites: None.

Exam type: In Class

We rely on judgments about evidence throughout our personal and professional lives. These judgments include the evidence supplied by our senses (such as, seeing that the sky is cloudy as evidence of actual or likely rain) as well as the evidence supplied by our reasoning faculties (such as, advice from experts as evidence regarding risks we face and steps we can take to prevent harms to ourselves and others). Lawyers and judges also constantly make judgments about evidence when they assess the applicability of legal rules to the facts of cases, which of course involves determining what exactly those facts are. American legal systems have developed Evidence law, a distinct set of rules, policies, and procedures that guide legal factfinders (lawyers, judges, and juries) in their judgments about what factual claims are taken to be sufficiently proven for the purposes of civil and criminal litigation -- for depriving civil or criminal litigants of property, liberty, or life. In this course we study the rules, policies, and institutions of Evidence law, with a cohering focus on the argument practices of trial and appellate lawyers and judges under that law. We will be attentive to the illuminating and clarifying connections among legal arguments under rules of Evidence and the many other ways in which we make arguments that rely on evidence outside of the legal setting.

The course focuses on federal law (the Federal Rules of Evidence and cases interpreting them) but also covers selected state rules and cases. Topics include: presumptions and standards of proof and persuasion, judicial notice, relevance, privileges, authentication and best evidence rules, hearsay, lay, expert, and scientific expert evidence, examination and impeachment of witnesses, habit and character evidence, and some of the constitutional questions that arise in connection with rules of evidence. Our approach in this class is informed by the Logocratic Method, a special method of understanding and mastering the strengths and weakness of arguments, which law students, lawyers, and judges around the world have found to be a valuable way to master Evidence and other legal doctrines. Course work consists of regular class attendance and participation, and an in-class final exam.

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

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Evidence

Course #: 2079 **Term:** 2022FA **Faculty:** Lvovsky, Anna **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 PM

Wed 1:30 PM - 3:30 PM

Course Description: Prerequisite: None
Exam Type: One-Day Take-Home
NOTE: This class will generally meet for 80 minute sessions. Several 2-hour classes will be scheduled in lieu of make-up classes.

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: 2022FA

Faculty: Murray, Peter

Credits: 2.00

Type: Multisection

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

Delivery Mode: Course

Days and Times:

Location

Thu 10:15 AM - 12:15 PM

Course Description: Prerequisites: None

Exam Type: Last Class Take-Home and Short In-Class Examination

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

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

Assignments will be posted on the course Canvas site each week. Students will be expected to be prepared to participate in class discussion and solution of the assigned problems.

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

Text: The course text, problems, lecture notes, assignments, and additional materials will all be available electronically through the course Canvas site. Most of the materials are also available in Green, Nesson and Murray, Problems, Cases and Materials on Evidence, 4th Ed. (Aspen 2018). The problems that will be assigned are also available in print in Green, Nesson & Murray, Problems in Evidence. A current paperback copy of the restyled Federal Rules of Evidence will also be a convenience.

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Facts and Lies

Course #: 2861

Term: 2022FA

Faculty: Saris, Patti

Credits: 2.00

Type: Elective

Subject Areas: Criminal Law & Procedure; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Wed 3:45 PM - 5:45 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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Fairness and Privacy: Perspectives of Law and Probability

Course #: 2672 **Term:** 2022FA **Faculty:** Minow, Martha; Dwork, Cynthia **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 8:45 AM - 10:00 AM

Tue 8:45 AM - 10:00 AM

Course Description: Prerequisites: Admission is by permission of instructors; applicants should submit letters of inquiry with CVs (as a single PDF) to Ellie Benagh, ebenagh@law.harvard.edu by June 15, 2022

Exam Type: No Exam

From old problems like affirmative action to newer ones like the turn to algorithms in criminal justice and credit, law and private actions use group traits to influence or determine the treatment of individuals. When do these practices run afoul of conceptions of fairness in law or in computer science and statistics? When do alternatives even exist? New approaches to data analysis quantify and control individual privacy loss while revealing information about larger groups. When do these concepts run afoul of conceptions of privacy in law? What elements of legal and quantitative reasoning exacerbate or resolve such issues, and how can people with training in one field better collaborate with those from other disciplines? This intensive seminar will bring together advanced students in computer science, statistics, law, and government to tackle these and related questions. Offered concurrently by HLS and SEAS, with co-teacher computer science professor Cynthia Dwork, our interwoven tracks emphasize, respectively, law and computer science, the tracks will meet jointly and separately.

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Family Law

Course #: 2084 **Term:** 2023SP **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 10:30 AM - 12:00 PM

Tue 10:30 AM - 12:00 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.

Farmed Animal Law and Policy

Course #: 2860 **Term:** 2022FA **Faculty:** Stilt, Kristen **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:45 PM - 5:45 PM

Course Description: Prerequisites: There are no formal prerequisites for the class, although an environmental law or animal law survey course is recommended.

Exam Type: No Exam

This seminar will explore farmed animal law and policy, with a focus on high-profile issues concerning the use of animals for food, including current controversies over animal welfare, environmental degradation, public health, consumer protection, worker safety, and climate change. The seminar will examine the history and evolution of animal agriculture from early agrarian domestication to modern industrial farming, and highlight the major ethical, cultural, ecological, social and economic issues that shape farmed animal law and policy in the 21st century. The seminar will include an overview of key laws and regulations concerning farmed animals, as well as an exploration of current legislation, litigation, ballot initiatives and consumer-based campaigns to reform animal agriculture. The seminar will also compare farmed animal laws and regulations in different countries, and touch on the role of international trade agreements in both promoting and preventing legal protections for farmed animals.

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Federal Budget Policy

Course #: 2566

Term: 2022FA

Faculty: Jackson, Howell

Credits: 2.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Tue 8:00 AM - 10:00 AM

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. Research topics should be arranged with permission of the instructor.

Note: This course is cross-listed with HKS.

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Federal Courts and the Federal System

Course #: 2086 **Term:** 2022FA **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**

Wed 1:30 PM - 3:10 PM

Thu 1:30 PM - 3:10 PM

Fri 1:30 PM - 3:10 PM

Course Description: Prerequisite: 1L Constitutional Law or 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: In Class

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.

Federal Courts and the Federal System

Course #: 2086 **Term:** 2023SP **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 1:30 PM - 3:15 PM

Thu 1:30 PM - 3:15 PM

Fri 1:30 PM - 3:15 PM

Course Description: Prerequisite: For JD students, this course is open to those who have completed 1L Constitutional Law or an equivalent course in another law school. 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. Willingness to participate in class discussion, including through cold calls, is a requirement of enrollment.

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Federal Courts and the Federal System

Course #: 2086

Term: 2023SP

Faculty: Jackson, Vicki

Credits: 4.00

Type: Multisection

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

Delivery Mode: Course

Days and Times:

Location

Tue 10:15 AM - 12:15 PM

Wed 10:15 AM - 12:15 PM

Course Description:

Prerequisite: For JD students, this course is open to those who have taken, or are concurrently taking, Constitutional Law: Separation of Powers, Federalism, and the Fourteenth Amendment, or have completed the required 1L Constitutional Law offering, as this requires some knowledge of substantive constitutional law. For LLM students, instructor permission is required to enroll in this course.

Exam type:Any-Day Take-Home

This course studies the role of the federal courts in the federal system and their relationship to the state courts. Topics include the power of Congress to regulate the jurisdiction of the Supreme Court and the lower federal courts; federal question jurisdiction; Supreme Court review of state court judgments; federal common law; sovereign and official immunity doctrines; abstention and related limitations on federal courts jurisdiction; and federal habeas corpus.

The casebook is Richard H. Fallon, Jr., et al. Hart & Wechsler's The Federal Courts and the Federal System, the most recent available edition, together with the Supplement (if any) most recent to the book. Chapters from Federal Courts Stories (Jackson & Resnik eds. 2010) will also be assigned.

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Federal Courts Clinic

Course #: 8056 **Term:** 2023WS **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 11, 2022.

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: 2023SP

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 2:30 PM - 3:30 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 11, 2022.
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:** 2022FA **Faculty:** Patten, Audrey **Credits:** 5.00

Type: Clinic **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice; Regulatory Law; 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 12, 2022.

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

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IRS form in preparation for the seminar class in order to learn about the subject, feel the frustrations clients experience in trying to prepare IRS forms and learn how to advocate within the constraints of a form. The seminar also serves as a place for the students in the class to discuss their cases with fellow classmates and work together to figure out the best way to approach difficult case problems.

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Federal Tax Clinic

Course #: 8045 **Term:** 2023SP **Faculty:** Patten, Audrey **Credits:** 5.00

Type: Clinic **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice; Regulatory Law; 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 2, 2022.
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.

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, 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

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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.

Federal Tax Clinical Seminar

Course #: 2822 **Term:** 2022FA **Faculty:** Patten, Audrey **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:30 PM - 3:30 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 12, 2022. 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:** 2023SP **Faculty:** Patten, Audrey **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:30 PM - 3:30 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 2, 2022.
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:** 2023SP **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 1:30 PM - 3:30 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.

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Feminist Legal Theory

Course #: 2301 **Term:** 2022FA **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 10:15 AM - 11:45 AM

Tue 10:15 AM - 11:45 AM

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.

Feminist Utopias

Course #: 3069 **Term:** 2023SP **Faculty:** Rosenfeld, Diane **Credits:** 1.00
Type: Elective **Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Legal & Political Theory; Legal History

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 3:45 PM - 5:45 PM

Course Description: Prerequisites: None
Exam Type: No Exam

In this reading group on Feminist Utopias, we explore literature, essays and history of womens law reform movements through time. What difference will feminist governance make in society? Is it most effective to reform the current system or to imagine - and then build - an alternative one? Students will have the opportunity to develop their own concepts for utopian ideals in a sex-equal society.

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

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Financial and Legal Needs of Low and Moderate Income Households

Course #: 2176

Term: 2023SP

Faculty: Charn, Jeanne

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Wed 3:45 PM - 5:45 PM

Course Description:

Prerequisites: None

Exam: No Exam

The seminar will examine the opportunities and perils in consumer financial services available to low and moderate income households. We will begin with a survey of (i) sources of unsecured credit (e.g. credit cards, pay-day lenders, check-cashing services); (ii) homeownership as an asset building strategy; (iii) saving rates and policies that encourage saving. With a basic understanding of the financial services landscape, we will explore strategies for providing legal advice and assistance that may enable people to effectively access credit and to build and protect assets. We will focus on assistance for households in crises (such as foreclosure) but we will also consider transactional and preventive services to help people avoid crises. We will explore the role of the solo and small firm bar that serves people of moderate means and on market innovations designed to expand access - for example, pre-paid and legal insurance programs, unbundled legal services, and self-help. We will pay particular attention to technology driven modes of service delivery. We will also look at legal aid in the UK, Europe and Canada where the needs of moderate income people are a main focus of legal aid policy.

In consultation with the course instructor, students will develop a research project that explores in greater depth any topic covered in class meetings. Students may work in pairs or groups and the course research project may satisfy all or part of the J.D. writing requirement.

Students are welcome to contact the course instructor via e-mail (charn@law.harvard.edu) with questions about the course.

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Food and Drug Law

Course #: 2091 **Term:** 2023WI **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.

Note: This course will meet daily through winter exams.

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Food Law and Policy

Course #: 2359 **Term:** 2023SP **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 1:30 PM - 3:30 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 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. For example, recent major news stories have covered oppressive labor conditions for agricultural workers and lack of hazard pay during COVID or heat protection during heat waves; state and local efforts to expand access to healthy foods and to tax or label unhealthy products; reporting of the scale of land loss by BIPOC producers as a result of direct governmental and societal discrimination; and efforts to prevent labeling of plant-based products as “meat” or “milk.” Since March 2020, we have seen increased visibility of issues related to food production, safety of food workers, and food insecurity, as the COVID-19 pandemic revealed and exacerbated fractures and inequities embedded in our food systems.

In order to better understand these issues and some of their root causes, we will examine food law and policy via the diverse lenses of producers, consumers, workers, communities, and companies, as well as using various disciplinary perspectives. We will concentrate on food law in the United States, but will also discuss the global food system, and will include comparative international perspectives in several areas. Some of the overall themes that this course addresses are the environmental, health, and safety consequences of food production; the lack of a coordinated U.S. food policy and the challenges posed by our fragmented regulatory framework; the failure of agricultural practices to internalize the costs of their environmental and health impacts; the challenges to promoting transparency in food labeling and marketing; the deep-rooted inequities in those who benefit from and are burdened by the food system; and the grave food insecurity and food access challenges across the U.S. In addition to following these themes throughout the course, we will also 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.

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 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 2, 2022 for spring clinical students in this course.

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Food Law and Policy

Course #: 2359

Term: 2022FA

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 1:30 PM - 3:30 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 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. For example, recent major news stories have covered oppressive labor conditions for agricultural workers and lack of hazard pay during COVID or heat protection during heat waves; state and local efforts to expand access to healthy foods and to tax or label unhealthy products; reporting of the scale of land loss by BIPOC producers as a result of direct governmental and societal discrimination; and efforts to prevent labeling of plant-based products as “meat” or “milk.” Since March 2020, we have seen increased visibility of issues related to food production, safety of food workers, and food insecurity, as the COVID-19 pandemic revealed and exacerbated fractures and inequities embedded in our food systems.

In order to better understand these issues and some of their root causes, we will examine food law and policy via the diverse lenses of producers, consumers, workers, communities, and companies, as well as using various disciplinary perspectives. We will concentrate on food law in the United States, but will also discuss the global food system, and will include comparative international perspectives in several areas. Some of the overall themes that this course addresses are the environmental, health, and safety consequences of food production; the lack of a coordinated U.S. food policy and the challenges posed by our fragmented regulatory framework; the failure of agricultural practices to internalize the costs of their environmental and health impacts; the challenges to promoting transparency in food labeling and marketing; the deep-rooted inequities in those who benefit from and are burdened by the food system; and the grave food insecurity and food access challenges across the U.S. In addition to following these themes throughout the course, we will also 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.

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 12, 2022 for fall clinical students in

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this course.

Food Law and Policy Clinic

Course #: 8038 **Term:** 2022FA **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 12, 2022. 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

Course #: 8038

Term: 2023SP

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 2, 2022.

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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Foundations of International Arbitration: Theory and Practice

Course #: 2973

Term: 2022FA

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 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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.

Note: This course will meet on a condensed schedule over six weeks, beginning on October 17, 2022.

Please note, no classes will meet the week of Thanksgiving break.

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Foundations of International Arbitration: Theory and Practice

Course #: 2973 **Term:** 2023SP **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 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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.

Note:Note: This course will meet on a condensed schedule over six week; specific dates are TBD.

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Framing, Narrative, and Supreme Court Jurisprudence

Course #: 3011 **Term:** 2023SP **Faculty:** Jenkins, Alan **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 6:00 PM - 8:00 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.

From Crisis to Opportunity: Leadership in Post-Pandemic Urban America

Course #: 3172 **Term:** 2022FA **Faculty:** Castro, Julian **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 3:45 PM - 5:45 PM

Course Description: Prerequisites: None
Exam Type: No Exam
This reading group will examine how the enormous challenges thrust upon cities by the Covid-19 pandemic, recession, and the murder of George Floyd, have presented local communities with an exciting, unprecedented opportunity to do things differently and better. Course discussion and materials will focus on specific examples of innovation across policy areas, from public health and affordable housing to police reform, local economic development, education, and land use regulation. Students will think through the future of cities in a post-pandemic America: What would a wide-scale reset for cities look like? What does effective leadership require going forward? How can communities ensure that their most vulnerable residents benefit from massive federal investments coming from Washington?

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

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

Course #: 2697

Term: 2022FA

Faculty: Kennedy, Randall

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

Course Description:

Prerequisite: None

Exam Type: No Exam

The requirement for the course is writing that amounts to about thirty double spaced pages. The writing can take many forms - one paper or several.

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.

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Fundamentals of Statistical Analysis

Course #: 2093 **Term:** 2022FA **Faculty:** Avedian, Arevik **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**

Wed 10:15 AM - 11:45 AM

Tue 10:15 AM - 11:45 AM

Course Description: Prerequisites: No prerequisites, prior empirical or software background is not required for this course. This class can be taken as part of the HLS empirical track as a prerequisite for the Applied Quantitative Analysis and the Advanced Quantitative Analysis.

Exam Type: No Exam

Intended for law students with little or no background in mathematics and statistics, Fundamentals of Statistical Analysis will provide basic tools needed for designing, conducting and critically assessing empirical legal research. Topics include research design, introduction to probability, descriptive statistics, hypothesis testing, statistical inference, univariate and bivariate analysis using one and two-sample t-tests, z-tests, Chi2 and ANOVA. We will learn and practice the math behind the models, to understand how distributions, differences, choice and size of samples impact our results mathematically as well as theoretically. The course is hands-on and applied in nature, it provides students an opportunity to become proficient in the use of the Stata statistical software. Applying mathematical concepts on real data enables students to acquire analytic skills in a realistic research context, which helps understanding not only how data are analyzed, but also why they are analyzed. Students will produce a 10-12 page empirical paper at the end of the semester.

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Gender Identity, Sexual Orientation, and the Law

Course #: 2467

Term: 2022FA

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

Thu 10:15 AM - 11:45 AM

Fri 10:15 AM - 11:45 AM

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.

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 12, 2022 (fall clinic students) or August 26, 2022 (spring clinic students).

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Gender Violence, Law and Social Justice

Course #: 2098

Term: 2023SP

Faculty: Rosenfeld, Diane

Credits: 3.00

Type: Elective

Subject Areas: Family, Gender & Children's Law

Delivery Mode: Course

Days and Times:

Location

Wed 1:30 PM - 3:00 PM

Thu 1:30 PM - 3:00 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This course offers an in-depth examination of the phenomenon of gender-motivated violence. Following a consideration of the prevalence and variation of types of sexual violence and coercion around the world, we consider questions such as: How, if at all, is violence against women different from other types of violence? How effective have legal strategies to address violence against women been, and what shifts in thinking about gender-motivated violence would be necessary finally to eradicate it? How has the #MeToo movement reshaped the possibility of legal reform? How does the toleration of sexual violence shape peoples expectations and sense of entitlements? What are the implications of gender-based violence for the constitutional guarantee of equal protection of the laws? Does equal protection itself have a gendered meaning and reality?

Among the types of violence against women we will consider are: intimate-partner violence; domestic homicide; prostitution; rape; sex trafficking of women and children; and violence against women facilitated by the Internet. The readings consist of primary and secondary materials drawn from several disciplines: law, social science, political science, public health, psychology, evolutionary biology and women and gender studies.

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Global Anticorruption Lab

Course #: 2646 **Term:** 2022FA **Faculty:** Stephenson, Matthew **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 6:00 PM - 8:00 PM

Course Description: Prerequisite: Enrollment is limited to 12, and is by permission of the instructor. Interested students should email Professor Stephenson (mstephen@law.harvard.edu); the email should include a current CV and a statement of interest (preferably including one or two topics you might be interested in writing about).

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:** 2023SP **Faculty:** Blum, Gabriella; Goldberg, John **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:30 PM - 3:30 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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Global Law

Course #: 2101 **Term:** 2022FA **Faculty:** Kennedy, David **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:15 AM - 12:15 PM

Fri 10:15 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: Any-Day Take-Home
This course explores laws role in global affairs. We will examine the history of ideas, legal doctrines, institutional and administrative structures intended to organize and legalize international economic and political life. The readings will provide a common background for exploring and comparing efforts both to remake the world and re-imagine law. As we analyze our inheritance from that tradition, we will assess recent efforts to rethink laws role in light of twenty first century political, economic and cultural challenges.

Governing Digital Technology

Course #: 2433 **Term:** 2023SP **Faculty:** Zittrain, Jonathan **Credits:** 3.00

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 3:45 PM - 5:15 PM

Tue 3:45 PM - 5:15 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:** 2022FS **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**

Mon 8:00 AM - 10:00 AM

Tue 8:00 AM - 10:00 AM

Mon 8:00 AM - 10:00 AM

Tue 8:00 AM - 10:00 AM

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 15, 2022.
Add/Drop Deadline: May 20, 2022 for fall clinic students; August 26, 2022 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.
Multi-Semester: This is a fall-spring course (1 fall credit + 1 spring credit).
Exam Type: No Exam. A paper will be required in lieu of an examination.

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.

Note: This course will meet over three weeks in both the fall and spring terms; specific dates TBD.

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Government Lawyer: Attorney General Clinic

Course #: 8015

Term: 2022FA

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 12, 2022. 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: 2023SP

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 26, 2022. 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: 2023WI

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 26, 2022. 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.

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:** 2023SP **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 19, 2022.

Add/Drop Deadline: December 2, 2022.

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 19, 2022.

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:** 2023WS **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 19, 2022.
Add/Drop Deadline: November 11, 2022.
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 19, 2022.
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:** 2023SP **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 19, 2022.
Add/Drop Deadline: November 11, 2022 for winter-spring clinical students. December 2, 2022 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 19, 2022.

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:** 2022FA **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 (1 fall + 1 spring classroom credit). 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 15, 2022.
Add/Drop Deadline: May 20, 2022.
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. Most offices are open Monday-Friday from 9 a.m.-5 p.m.

Applications are due April 15, 2022 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 course component by the Office of Clinical and Pro Bono Programs.

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Government Lawyer: United States Attorney Clinic

Course #: 8017 **Term:** 2023SP **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 (1 fall + 1 spring classroom credit). 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 15, 2022.

Add/Drop Deadline: August 26, 2022.

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. Most offices are open Monday-Friday from 9am-5pm.

Applications are due April 15, 2022 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 course component by the Office of Clinical and Pro Bono Programs.

Great Cases of the Supreme Court

Course #: 2208

Term: 2022FA

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 6:00 PM - 8:00 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, New York Times v. Sullivan, 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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Hard Questions in Evidence

Course #: 3169

Term: 2022FA

Faculty: Cheng, Edward

Credits: 1.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Reading Group

Days and Times:

Location

Wed 3:45 PM - 5:45 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This reading group will survey some of the hardest problems in evidence scholarship today. Much like Hilbert's problems in mathematics at the beginning of the 20th Century, which helped set the agenda that followed, this course will look at where scholarship in evidence and proof should go next. Topics covered will include: the nature of the burden of proof, how best to handle expert evidence, the future of character evidence, the need and continuing viability of the hearsay rule, how to respond to the vanishing trial, and the (un)desirability of codified rules of evidence.

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

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Harvard Dispute Systems Design Clinic

Course #: 8019 **Term:** 2023SP **Faculty:** Viscomi, Rachel **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 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 2, 2022. 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 3 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:** 2022FA **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 12, 2022.
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 Immigration and Refugee Clinic

Course #: 8020 **Term:** 2023SP **Faculty:** Ardalan, Sabrineh; Zapata, Cindy **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: Immigration and Refugee Advocacy (2 spring classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.
Additional Co-/Pre-Requisites: None.
By Permission: No.
Add/Drop Deadline: December 2, 2022.
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, Bostons 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: 2022FS

Faculty: Lawrence, Eloise

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. Applications are due by March 24, 2022.

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:** 2022FS **Faculty:** Lawrence, Eloise **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 count towards the HLS JD pro bono 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: 2022FA

Faculty: Costello, Kevin

Credits: 2.00

Type: Elective

Subject Areas: Health Law

Delivery Mode: Seminar

Days and Times:

Location

Wed 6:00 PM - 8:00 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

As we emerge from the COVID-19 pandemic, it is more self-evident than ever that American health care is broken. Questions laid bare during this period of collective and individual adversity reveal the central importance of rights within our health care system, especially around issues of resource allocation, access to care, and equity. Underlying our response to this new 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.

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

Course #: 8033 **Term:** 2023SP **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 2, 2022.

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).

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

Course #: 8033 **Term:** 2022FA **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 12, 2022.
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).

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Health Law, Policy, Bioethics, and Biotechnology Workshop

Course #: 2652 **Term:** 2022FA **Faculty:** Cohen, I. Glenn **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:45 PM - 5:45 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>

Health Rights in Latin America: Defending Dignity or Judicializing Politics?

Course #: 3184 **Term:** 2023SP **Faculty:** Yamin, Alicia **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

Against backdrops of extreme social inequality in Latin America, with poor responsiveness from executive and legislative branches of government, as well as chronic regulatory failures within health systems, people frequently take claims for health care and health-related issues to courts. Across Latin America, courts enforce thousands of individual entitlements to health care every year (through easily accessible protection writs); they also regulate private providers and insurers, and in Colombia and Argentina, respectively, high courts have ordered and overseen structural health system reform as well as in environmental clean-up affecting health. Judicialization of health-related rights is deeply contested across the region: courts have been criticized for interfering with the political organs of government, bankrupting health systems, and exacerbating inequities in health. Others argue that courts have enhanced accountability within health systems, and that experimentalist remedies have catalyzed political organs of government to take action. Drawing on case studies from Brazil, Argentina and Colombia, the reading group will discuss the lessons and challenges of judicial enforcement of the right to health in Latin America.

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

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Housing Law and Policy

Course #: 2270 **Term:** 2023SP **Faculty:** Caramello, Esme; Lawrence, Eloise **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 6:00 PM - 8:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam

This course will provide an introduction to U.S. housing law and policy with a focus on low- and moderate-income tenants and homeowners. We will examine the state of public housing and federal housing subsidies; code enforcement; foreclosures and neighborhood stabilization; gentrification and displacement; affordable housing development; fair housing, including the racist roots of many U.S. housing policies and problems; and evictions and access to justice. The class will draw on students' personal and professional experiences as well as the perspectives of a variety of housing professionals - from developers to tenant organizers to judges and government officials - who will appear as guest speakers. Through this course, students will develop the background necessary to understand and evaluate the various strategies that housing advocates and activists are using – or might use – to promote housing justice in the United States.

The course is appropriate for students pursuing graduate work in other disciplines, including government, design, education, and business, and cross-registrants are welcomed.

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Housing Law Clinic

Course #: 8034 **Term:** 2022FA **Faculty:** Devanthery, Julia; 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 12, 2022.
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. The Housing Clinic staffs an Attorney for the Day table at Housing Court and on Zoom on Wednesday mornings (from 9:00 to 12:00). Students find the experience of assisting unrepresented tenants rewarding and try to arrange their schedules to allow for clinic work on Wednesday mornings.
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:** 2023SP **Faculty:** Devanthery, Julia; 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 2, 2022.
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. The Housing Clinic staffs the Attorney for the Day table at Housing Court and on Zoom on Wednesday mornings (from 9:00 to 12:00). Students find the experience of assisting unrepresented tenants rewarding and try to arrange their schedules to allow for clinic work on Wednesday mornings. 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:** 2022FA **Faculty:** Devanthery, Julia; McDonagh, Maureen **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:30 PM - 3:30 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 12, 2022.
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.
The Housing Clinic staffs an Attorney for the Day table at Housing Court and on Zoom on Wednesday mornings (from 9:00 to 12:00). Students find the experience of assisting unrepresented tenants rewarding and try to arrange their schedules to allow for clinic work on Wednesday mornings.
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:** 2023SP **Faculty:** Devanthery, Julia; McDonagh, Maureen **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 1:30 PM - 3:30 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 2, 2022.
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.
The Housing Clinic staffs an Attorney for the Day table at Housing Court and on Zoom on Wednesday mornings (from 9:00 to 12:00). Students find the experience of assisting unrepresented tenants rewarding and try to arrange their schedules to allow for clinic work on Wednesday mornings.
For more information on the Clinic, contact Lecturer/Clinical Instructor Maureen McDonagh, mcdonagh@law.harvard.edu.

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How Wars End: The Role of Negotiation

Course #: 3188

Term: 2022FA

Faculty: Mnookin, Robert

Credits: 1.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Reading Group

Days and Times:

Location

Tue 3:45 PM - 5:45 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

It is commonly thought that wars end after a decisive military battle produces to a conclusive victory - one side surrenders and the other side emerges victorious. In fact, recent history suggests things are typically much more complicated: negotiations between the disputants commonly play a critical role in ending armed conflict. One only must consider Korea, Vietnam, Bosnia, Afghanistan, and Iraq. This reading group will explore the role of negotiation in terminating wars.

Through readings, we will explore how a number of wars, including American wars, in fact ended. We will ask: to what extent, if any, did negotiations between the combatants end the fighting? We will see that while the aims of the combatants are typically deeply opposed at the beginning of a war, over time they often converge toward an agreement to stop fighting. In such cases, what produces this convergence? To what extent do factors far removed from the battlefield -- economic, political, and social - contribute to the success of negotiations?

Note: This reading group will hold an organizational meeting on September 6; additional meeting dates will be determined then.

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Human Rights Advocacy

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

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 1:30 PM - 3:30 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 one of the fall Human Rights Advocacy seminars. 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 12, 2022.

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: 2023SP

Faculty: Crowe, Anna

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Tue 1:30 PM - 3:30 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 this seminar or the Introduction to Human Rights in Southeast Asia seminar. 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 2, 2022.

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 Advocacy

Course #: 2510

Term: 2022FA

Faculty: Farbstein, Susan

Credits: 2.00

Type: Elective

Subject Areas: Human Rights

Delivery Mode: Seminar

Days and Times:

Location

Tue 1:30 PM - 3:30 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 one of the fall Human Rights Advocacy seminars. 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 12, 2022.

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

Advocates around the world rely upon human rights law, language, and methodologies in the struggle for social justice. While human rights law provides guidance on an astonishing range of issues, advocates nonetheless face a host of challenges and dilemmas when seeking to translate law into meaningful, sustainable change.

This seminar aims to be a critical, contextualized, and participatory exploration of what it means to be a human rights advocate, from a lawyer's perspective. The course examines fundamental concepts, skills, and approaches to human rights advocacy, including the ethical, strategic, and legal dimensions of this work. Through case studies, role plays, and guided discussion, we will grapple with tough questions that confront every human rights practitioner, including:

- What is the proper mandate of a human rights advocate?
- What is responsible, effective human rights advocacy?
- What are appropriate responses to critiques of the human rights movement?
- How can human rights be harnessed to successfully influence and change behavior?
- Is it possible to engage in human rights advocacy without perpetuating power differentials along geopolitical, class, race, gender, economic, and other divides?
- How does an advocate forge meaningful, collaborative partnerships with individuals and communities directly affected by abuse?
- What skills and methodologies are best suited to lawyering in the human rights field?
- How can human rights advocates practice self-care and cultivate resilience and optimism in the face of such challenging work?

This course is designed to encourage critical evaluation of the human rights movement, as well as the implications for practice today, while learning how to responsibly advance social justice. Students will workshop and reflect on their participation in supervised clinical projects, which provide rich material for discussions about skills such as fact-finding, media outreach, advocacy, constituency-building, and litigation. Students will also consider a series of identity-based dynamics (e.g., north/south, insider/outsider, donor/donee, lawyer/non-lawyer) that influence how and why advocacy is formulated and received. Finally, students will consider the limits of the human rights paradigm and its established methodologies, as well as alternative models and forms of advocacy, including the role of community lawyering in the human rights context.

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Human Rights and Humanitarianism through the Lens of Documentary Film

Course #: 2983

Term: 2023SP

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 3:45 PM - 6:45 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 from [TBD]. Additional time also reserved for viewing films.

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Human Rights and International Law

Course #: 2423

Term: 2022FA

Faculty: Neuman, Gerald

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 3:45 PM - 5:15 PM

Tue 3:45 PM - 5:15 PM

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

Prerequisite: None

Exam Type: In Class

This course examines critically what it means to embody human rights conceptions in law at the international level, and how human rights law can be implemented through cooperation among national and international institutions. Topics will include the evolution of modern human rights law; background international law rules that structure human rights law; connections between civil, political, social, and economic rights; comparative discussion of global and regional human rights regimes; and human rights responses to current challenges such as democratic decay and climate change. The course will also pay particular attention to the relationship between the United States and the international human rights system.

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Human Rights in the UN Treaty Bodies

Course #: 2343

Term: 2023SP

Faculty: Neuman, Gerald

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Wed 3:45 PM - 5:45 PM

Course Description: Prerequisite: By permission of instructor. The permission is just to verify the prerequisite. Students who have taken the International Human Rights introductory course at HLS will definitely receive permission to enroll, but for technical reasons they should contact the instructor so that he can facilitate registration; other students who have not taken that course but believe that they have preparation equivalent to that course may contact the instructor, who will grant permission if he agrees that their prior preparation is equivalent. Auditing will not be permitted.

Exam Type: No Exam Grading will be based on class participation and a series of short reaction papers.

This advanced seminar was designed as a capstone experience in human rights. It will focus on selected topics relating to the work of the UN human rights treaty bodies, including the Human Rights Committee (of which the instructor was previously a member), often in comparative perspective. Topics vary from year to year, but may include such subjects as arbitrary detention, religious exemptions, the right to life, forced evictions, the rights of the child, "hate speech," rights of persons with disabilities, migrants rights, climate change, and international monitoring procedures.

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Human Rights Litigation in U.S. Courts

Course #: 3002

Term: 2022FA

Faculty: Giannini, Tyler

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Wed 1:30 PM - 3:30 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

This seminar will explore the current landscape of human rights litigation in U.S. courts. The seminar will examine both the doctrinal and practice dimensions of this litigation. We will look at how modern human rights litigation started, how it has evolved, how it has changed (and not changed), and where we stand now. We will also think about the future prospects of such litigation in the United States and how it connects to other jurisdictions, including in Canada, Europe, South Africa, and elsewhere.

Modern human rights litigation in U.S. courts started in the late 1970s with the resurrection of the Alien Tort Statute (ATS). For many, the ATS has defined U.S.-based human rights litigation for the past forty years, but the litigation landscape has changed significantly during over time. While this seminar will take a close look at the past several decades, this will only be the starting point. The seminar will focus the majority of its time on current approaches to human rights litigation, including innovative test cases and a number of statutes that receive far less attention than the ATS has.

The seminar will also give us a chance to connect with day-to-day litigation practice, including the various stages of litigation as well as how litigation fits within broader human rights advocacy efforts. Together, we will examine how litigation strategies and techniques have been shared and developed over time and identify common strategies and recurring legal issues that arise across the cases. The seminar will also examine practical issues, including how to work with communities, how to coordinate cases that touch on multiple jurisdictions, how to interact with large teams of lawyers in different countries, and how to address unique cross-cultural and logistical challenges given the transnational nature of these cases.

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Identity in American Literature of the 1940s

Course #: 3063

Term: 2022FA

Faculty: Tarullo, Daniel

Credits: 1.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law

Delivery Mode: Reading Group

Days and Times:

Location

Wed 6:00 PM - 8:00 PM

Course Description:

Prerequisites: None

Exam Type: No exam

Much American literature of the 1940s is concerned with issues of identity that resonate across the decades — race, gender, and the relationship of individuals to groups that help define them. Yet there are variations on these themes that may not be so familiar. These variations may give us some new perspective on contemporary perceptions of identity in society. We will read novels by five writers — two still well-known today (Carson McCullers and Ralph Ellison), and three considerably less so (John Horne Burns, Ann Petry, and Jo Sinclair) — to explore some of these themes. 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 reading group will meet on the following dates: TBD.

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Immigration and Refugee Advocacy

Course #: 2115 **Term:** 2022FA **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**

Mon 10:15 AM - 12:15 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 12, 2022.
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 and Refugee Advocacy

Course #: 2115 **Term:** 2023SP **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 10:15 AM - 12:15 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 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 2, 2022.
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:** 2023SP **Faculty:** Neuman, Gerald **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 3:45 PM - 5:15 PM

Tue 3:45 PM - 5:15 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.

Individuality?: Virginia Woolf vs. Social Justice and Law

Course #: 3091 **Term:** 2022FA **Faculty:** Parker, Richard **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 1:30 PM - 3:30 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 as individuals. In both, power and history envelop them in the form of male domination, war and social class. What should we make of this in our time - and as lawyers - accustomed as we are to thinking in terms of very large groups and forces? Can and should individuality survive as a value and an experience?

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

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Institute to End Mass Incarceration Clinic

Course #: 8051 **Term:** 2023SP **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 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: None.
By Permission: Yes. Applications are due by September 30, 2022. Please see below for more information.
Add/Drop Deadline: December 2, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
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 September 30, 2022. 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

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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 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:** 2023SP **Faculty:** Crespo, Andrew; Dharia, Premal **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 10:15 AM - 12:15 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 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 September 30, 2022. Please see below for more information. Add/Drop Deadline: December 2, 2022.

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

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 September 30, 2022. 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 the application deadline.

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International Environmental Law

Course #: 2123

Term: 2022FA

Faculty: Salzman, James

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 3:45 PM - 5:15 PM

Tue 3:45 PM - 5:15 PM

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

Prerequisite: None

Exam Type: In Class

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 Clinic

Course #: 8021 **Term:** 2023SP **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 Introduction to Human Rights in Southeast Asia (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 2, 2022.
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:** 2022FA **Faculty:** Giannini, Tyler; 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 one of two sections of Human Rights Advocacy (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 12, 2022.
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 help 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. The 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 one of two sections of Human Rights Advocacy (2 fall classroom credits). The seminars teach about 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:** 2022FA **Faculty:** Giannini, Tyler; 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: Strategic Leadership & Advanced Human Rights Advocacy (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 April 15, 2022.

Add/Drop Deadline: June 1, 2022.

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 build leadership skills and 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 help formulate policy to promote respect for human rights principles and the rule of law. In any given term, the Clinic delves into a wide range of issues, including extrajudicial executions, torture, and criminal justice; the unlawful use of cluster munitions and other weapons; civilian protection in armed conflict; sexual and reproductive rights; human rights and the environment; business and human rights; the role of health professionals in torture; accountability litigation; 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 Law and Policy

Course #: 2463

Term: 2022FA

Faculty: Bagley, Margo

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Wed 3:45 PM - 5:45 PM

Course Description: Prerequisite: Students should have completed, or be concurrently enrolled in, Patent Law.
Exam Type: No Exam

This seminar examines fundamental principles of international IP law with an emphasis on patent law and access to medicines in particular. It explores 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 being considered for traditional knowledge, and the intersection of new technologies and uses of genetic information with IP protection.

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International Investment Arbitration

Course #: 2567 **Term:** 2022FA **Faculty:** Banifatemi, Yas **Credits:** 2.00

Type: Elective **Subject Areas:** Business Organization, Commercial Law, and Finance; 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 experiential learning requirement.

Schedule is forthcoming.

Prerequisite: The course is open to 2Ls, 3Ls, LL.Ms, and SJDs. No prior courses required, although broad familiarity with public international law and international commercial arbitration will be an advantage.

Exam Type: There is no exam administered by the Registrars Office. Students will instead complete an oral exam, in the form of a moot investment arbitration proceeding.

In 1965, the World Bank adopted the Washington Convention, establishing the International Centre for Settlement of Investment Disputes (ICSID), and allowing private parties to resort directly to international arbitration against States for harm done to their investments. Since then, as a result of the wide adoption of bilateral and multilateral investment protection treaties, there has been an outbreak of investor-State arbitrations that neither the drafters of the Convention nor the international community at large had anticipated.

This course will explore where investment treaty arbitration stands today, after over two decades of growth. In particular: Why have there been calls for reform and for the termination of investment protection treaties? To what extent has the interplay between investment arbitration and international law nourished each of these fields of law? How has the arbitral case law tackled the most complex questions of international law? These questions, and others, will be addressed through a deep immersion into the investment arbitration process, as well as through an examination of the concepts of jurisdiction and admissibility (notion of investment; nationality of investors, both physical and juridical persons; temporal application of treaties; abuse of process; etc.); the interaction between contractual and treaty breaches; treaty interpretation; and strategic options in investor-State arbitration.

Enrollment will be limited to 20, and class will proceed based on students having prepared the relatively substantial reading materials. Only students who are prepared to make a firm commitment should enroll.

Note: This course will meet on a condensed schedule; specific dates TBD. The last class session, which is a double session and includes the moot investment arbitration proceeding, will be held on TBD.

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International Lawyering

Course #: 3155 **Term:** 2022FA **Faculty:** Modirzadeh, Naz **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Wed 3:45 PM - 5:45 PM

Course Description: Prerequisite: Public International Law
Exam Type: No Exam

This is an advanced reading group for students interested in public international law careers. We will explore dilemmas associated with different types of international lawyering, including by exploring work in government, multilateral institutions, non-governmental organizations, the armed forces, and others. For some classes, we will be joined by senior international lawyers working in these institutions.

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

International Trade Law

Course #: 2132 **Term:** 2022FA **Faculty:** Wu, Mark **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 10:15 AM - 12:15 PM

Thu 10:15 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: One Day Take-Home

This course focuses on the law governing international trade as established by the World Trade Organization. It engages in an in-depth analysis of WTO rules and case law. The class will examine the strengths and weaknesses of the existing regime and discuss the difficulties in reforming the system. Besides focusing on the basic principles governing trade in goods and services, the course will also examine specialized areas such as technical standards, agriculture, food safety, subsidies, trade remedy measures, and intellectual property. In addition, the course will focus on the geopolitical tensions between major trading powers as well as on the new issues being addressed through regional trade agreements.

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Introduction to Accounting

Course #: 2133

Term: 2022FA

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 3:45 PM - 5:45 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 six of the first seven weeks of the semester (no class 10/11), followed by an exam given in late October.

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Introduction to Accounting 3-Week Section

Course #: 2133

Term: 2023SP

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 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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:** 2022FS **Faculty:** Lawrence, Eloise; Rossi, Patricio **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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.
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 (2 fall classroom credits + 1 spring classroom credit).
This course introduces students to civil law practice and is required for all 2L members of the Harvard Legal Aid Bureau. Student practice experience at the Bureau is the primary material for all class meetings and discussions. The goals of the course are: (1) to provide a strong foundation for developing lawyering skills; (2) to enhance student understanding of what lawyers do, with particular attention to professional role, values, and ethics; and (3) to develop skills of peer and self-assessment so that students will have the ability to continue to learn in practice after law school. The majority of class meetings will focus on specific lawyering tasks such as client counseling and interviewing, investigation of claims, negotiation, and argument and case presentation, as well as the civil legal aid system and management of a 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: 2022FA

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 1:00 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

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 30 through Friday, September 2, 2022, followed by an exam given during the first week of classes on Friday, September 9, 2022.

Drop Deadline: 08/30/22

Note: This course is not available for cross-registration.

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Introduction to Human Rights in Southeast Asia

Course #: 3006

Term: 2023SP

Faculty: Htun, Yee Mon

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Tue 1:30 PM - 3:30 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 this seminar or the spring Human Rights Advocacy seminar. 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 2, 2022. LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application. Despite the shift from authoritarian to democratic or semi-democratic forms of government, human rights challenges remain in Southeast Asia. Governments in the region have and continues to fall short of their obligation to protect human rights and in certain cases, grave human rights violations are being committed by State actors.

This seminar will take a historical, comparative and critical approach examining human rights in Southeast Asia. Using country case studies, this course will introduce students to various domestic and regional human rights framework and pressing human rights issues.

In class discussions will explore the "Asian values" debate along with various cultural, social, economic and political factors that hinder the realization of human rights on the ground. The course will consider ways in which human rights issues in each country affect other Association of Southeast Asian Nations (ASEAN) States.

Lastly, students in the course will learn about the different advocacy strategies that human rights defenders and local NGOs employ to promote human rights and accountability, alongside international human rights organizations.

Students will be graded on their in-class participation, skills-based simulation and final paper.

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Introduction to Islamic Law

Course #: 2538

Term: 2022FA

Faculty: Rabb, Intisar

Credits: 2.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Seminar

Days and Times:

Location

Mon 6:00 PM - 8:00 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

This course will survey core concepts in Islamic law (sharia) in historical and comparative modern contexts. Popular perceptions of this legal system imagine it to be a static code from 7th-century Arabia. By contrast, we explore aspects of Islamic law and society, as a dynamic system, that uncover rich debates about cases historically alongside processes of "legislation" and interpretation analogous to our own. We also explore the substantive rulings and institutional structures that substantially diverge from our own. Those laws and structures evolved over time, with notable changes accompanying the breakup of the Islamic empire in the 10th and 12th centuries, colonial interventions in the 18th and 19th centuries, and independence movements in the 20th and 21st centuries. How and why did Muslim jurists, judges, and political leaders define or operate within the grammar of Islamic law? Did the law impose religious-moral values or reflect cultural and socially constructed ones? What explains the recent appeal of sharia in the last few decades and how might we understand Islamic law in our times? This course will equip students with tools to examine these questions in the course of conversations about key subjects of Islamic law and methods of interpretation. This term, we will also experiment with data science approaches to both. Students must complete one presentaton and one short paper (10pp); they may opt for a long paper (15pp) and/or data science project with two short writing assignments for an additional credit.* Students need not have prior knowledge of Islamic law.

* The additional credit options allow students to conduct in-depth research on a single issue of Islamic law or legal theory using primary sources -cases, legislation, manuals of legal theory, etc. (in English or any other language with which students are familiar), together with new data science tools in connection with the SHARIAsource Lab. This Lab allows students to workshop papers, receive feedback on their works-in-progress, and the opportunity to publish short papers as posts on the Islamic Law Blog.

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Introduction to Japanese Law

Course #: 2136

Term: 2022FA

Faculty: Ramseyer, J. Mark

Credits: 3.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Thu 10:15 AM - 11:45 AM

Fri 10:15 AM - 11:45 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 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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Investments Workshop: Public and Private Equity

Course #: 2923

Term: 2023SP

Faculty: Bosiljevac, Vladimir

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Tue 6:00 PM - 8:00 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, 2023.

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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Jurisprudence

Course #: 2140

Term: 2023SP

Faculty: Brewer, Scott

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Thu 1:30 PM - 3:00 PM

Fri 1:30 PM - 3:00 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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Jurisprudence: Legal Ideals

Course #: 2140

Term: 2022FA

Faculty: Sargentich, Lewis

Credits: 3.00

Type: Elective

Subject Areas: Legal & Political Theory

Delivery Mode: Course

Days and Times:

Location

Wed 1:30 PM - 3:00 PM

Thu 1:30 PM - 3:00 PM

Course Description:

Prerequisites: None

Exam Type: Last Class Take-Home

The liberal ideal of legality yields both formalization of law (law as formal rules or doctrines) and idealization of law (law as principles and policies). The course examines formalization as portrayed by modern legal positivism (mainly H.L.A. Hart) and criticized by American legal realists. Then we will undertake a study of the idealizing tendency within law. We will consider accounts of legal ideals offered by liberal jurisprudence (mainly Fuller, Hart and Sacks, and Dworkin) and by contemporary critical jurisprudence.

Readings include some illustrative cases and commentary on particular legal doctrines and fields, though the focus is on more highly general theoretical argument. The course aims to develop a definite thesis about the structure and character of legal ideals and to provide a connected account of phenomena emphasized by critical legal studies such as theory in doctrine, conflicting ideals, legal ideology, legal legitimation, and transformative possibility.

Readings for the course are photocopied materials.

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JuryX Workshop

Course #: 2411

Term: 2023WI

Faculty: Nesson, Charles

Credits: 3.00

Type: Elective

Subject Areas: Legal & Political Theory; Procedure & Practice

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 Anthony Cascione

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Justice for Lawyers

Course #: 2804 **Term:** 2022FA **Faculty:** Nesson, Charles **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

Lawyers for justice at times confront injustice from judges. Throughout American history, powerful entities—public and private—have on occasion directed their efforts toward disabling the lawyers who represent people adverse to their interests. Notable examples include threats by the presiding judge to disbar the attorney who in 1735 defended John Peter Zenger, the 1827 contempt conviction and disbarment of the attorney who criticized Judge James Peck, contempt charges brought against the attorneys who represented the “Chicago Seven”, and the RICO suit and related contempt proceedings brought by Chevron against Steven Donziger related to his winning a judgment against the oil company in Ecuador. Other tactics used to disable opposing counsel include suing the lawyer directly in a SLAPP suit, or forcing recusal based on conflict of interest between attorney and client.

Participants in this seminar will study these tactics as a means of raising awareness about them and becoming better prepared to counter them.

With Anthony Cascione

Knowledge As Power in Law and Science

Course #: 2082 **Term:** 2023SP **Faculty:** Kennedy, David; Jasanoff, Sheila **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 6:00 PM - 8:00 PM

Course Description: Prerequisite: By permission. Interested students should send one of the faculty a short statement of interest.

Exam Type: No Exam

Evaluation is a final take home essay.

How do ideas about law and science shape the contours of the contemporary world? Knowledge underwrites legal authority—but how exactly? How do ideas about what is natural, right or ordained become powerful, hegemonic? Both law and science rely on experts to define the basic coordinates by which we locate ourselves and recognize each other, as members of collectives, actors in institutions, and selves possessing subjectivity. But how does each conceive the others role, and affirm or resist it? In this course, we will read and discuss literature from social theory, law, and science and technology studies that bears on these questions, alongside case studies that illuminate expertise in action in a variety of professional, scientific, and legal settings.

Note: This course is jointly-listed with HKS

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Labor & Employment Lab

Course #: 2845 **Term:** 2022FA **Faculty:** Sachs, Benjamin **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam
In this one unit course, students will generate and publish writing on labor and employment law, labor politics, and contemporary labor market trends including developments related to the on-demand/sharing economy. Class meetings will be highly interactive and collaborative. Part of each class session will be dedicated to developing research topics and part will be dedicated to discussing each others work. Students will be required to write two substantive posts of approximately 750-1000 words each to be published on the OnLabor blog (www.onlabor.org). The course will provide students interested in labor and employment the opportunity to research and write on cutting edge issues and to publish their work for a live and extensive audience.
Note: This reading group will meet on the following dates: TBD.

Labor Law

Course #: 2142 **Term:** 2022FA **Faculty:** Sachs, Benjamin **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:15 AM - 12:15 PM

Fri 10:15 AM - 12:15 PM

Course Description: Prerequisite: None
Exam Type: One-Day Take-Home

This course will focus on the statutory, judicial, and administrative law governing the collective organization of workers and the interaction between such collective organizations and employers. The course will introduce students to the basics of traditional labor law and will explore how labor law is evolving in response both to innovative forms of labor-management relations and to changes in the composition of the U.S. labor force. The class will consider the legal status of privately negotiated processes for organizing and recognizing unions, state and local approaches to labor law innovation, and new forms of workplace organization. We will also explore the intersection of labor and immigration law, union participation in the political process, and emerging forms of worker organizing that rely not on the National Labor Relations Act but on other statutory regimes.

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Land Use Law

Course #: 3082 **Term:** 2023SP **Faculty:** Brady, Maureen **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description: Prerequisites: Property
Exam Type: Any Day Take-home
This course will explore the regulation of land use, with an emphasis on the constitutional and environmental dimensions of land use law. The course will begin with the basic elements of the land development and regulation process, including the basics of planning and zoning. We will also address public ownership and private alternatives to regulation.

Law & Democracy: The Incomplete Experiment

Course #: 2485 **Term:** 2023SP **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 1:30 PM - 3:30 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 Economic Development

Course #: 2145 **Term:** 2022FA **Faculty:** Kennedy, David **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:30 PM - 3:30 PM

Fri 1:30 PM - 3:30 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 course will explore past and present debates about the role of the legal order in economic development. We will explore the relationships among economic ideas, legal ideas and the development policies pursued at the national and international level in successive historical periods. We will focus on the potential for an alliance of heterogenous traditions from economics, law and other disciplines to understand development.

Textbook(s):
REQUIRED

James Cypher, *The Process of Economic Development* (Routledge, 4rd edition, 2014)

Gerald M. Meier, *Biography of a Subject: An Evolution of Development Economics* (Oxford University Press, 2004)

Raphael Kaplinsky, *Globalization, Poverty and Inequality* (Polity Press, 2007)

Victor Bulmer-Thomas, *The Economic History of Latin America Since Independence*, (Cambridge University Press, 3rd edition, 2014)

Law and Economics

Course #: 2146 **Term:** 2022FA **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 3:45 PM - 5:45 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 Economics

Course #: 2146 **Term:** 2023SP **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 3:45 PM - 5:45 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 Inequality Workshop

Course #: 2479 **Term:** 2023SP **Faculty:** White, Lucie **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:00 PM

Thu 1:30 PM - 3:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam
In this course we will explore concepts of inequality from a range of disciplinary perspectives. We will also consider meanings and effects of pernicious inequalities in several sociolegal contexts such as geography, race, and poverty/work/labor. Finally we will examine methodologies for "mapping" ways that various legal dynamics drive the genesis, elaboration, reinforcement and maintenance of hierarchies of privilege and disadvantage across individuals, groups, localities, regions and nations and more. As we identify key legal drivers in the production of specific adverse inequalities, we will also explore ways that changes in legal ordering might shift bargaining power, redistribute resources or otherwise ameliorate their negative effects. Students will work in clusters to research a domain of inequality and develop a legal inequality map of its drivers in order to analyze and engage with it.

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Law and Literature: The Application of Law to Life

Course #: 2321 **Term:** 2023SP **Faculty:** Abella, Rosalie Silberman **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 1:30 PM - 3:30 PM

Thu 1:30 PM - 3:30 PM

Course Description: Prerequisite: None
Exam Type: No Exam

One of the best sources for understanding people and human nature is found in literature. It's very difficult to think about how law functions without understanding the human context in which it applies. This course will attempt to discern the human universals discoverable through literature as a way of better understanding the purpose and application of law in order to achieve justice.

Note: This seminar will meet over six weeks, beginning on March 8, 2023.

Law and Neuroscience

Course #: 2707 **Term:** 2023SP **Faculty:** Gertner, Nancy **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:45 PM - 5:45 PM

Course Description: Prerequisites: None
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 Philosophy Workshop

Course #: 2470

Term: 2022FA

Faculty: Eidelson, Benjamin; Lewis, Christopher

Credits: 2.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Wed 3:45 PM - 5:45 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

This workshop will examine new ideas at the intersection of law and philosophy. The workshop will meet weekly and will focus on discussion of pre-circulated working papers presented by their authors. Students will write a series of short response papers.

Open to HLS students as well as graduate students in Philosophy and Political Theory. Graduate students in other programs who are working in moral, political, or legal theory are also welcome to cross register.

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Law and Political Economy

Course #: 2630

Term: 2023SP

Faculty: Benkler, Yochai

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance; Legal & Political Theory

Delivery Mode: Course

Days and Times:

Location

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

Law and political economy is the study of how law shapes power in market societies. The course will begin by looking at various approaches to thinking about law and market society and at the changes in property law that drove the emergence of capitalism in England, the development of racialized enslavement in the American colonies, and the fundamental legal choice points that shaped the trajectory of American capitalism. It then follows with a study of changes in labor law, corporations, and torts as Big Business emerged in the Northeast and Midwest in the late 19th century, shaping of the uniquely weak status of American labor during the “Second Industrial Divide,” and the network of legal elements governing property, contract, credit, trespass, game, and criminal labor law that laid the foundations for racialized class structure in the post-Reconstruction South. After learning about the rise of Legal Realism in reaction to the judicial imposition of laissez faire at the turn of the 20th century, the heart of the course revolves around the role of law in supporting the emergence of a broad, primarily white middle class from the 1930s to the 1960s, the structuring of racialized class in response to the Great Migration outside of the South, and then since the 1970s, the dismantling of the welfare state, its displacement by mass incarceration and a punitive welfare regime, and changes in the law governing labor, banking, financial regulation, antitrust, corporate governance, and trade that drove the dramatic increase in precarious employment, the stagnation of middle class wages, and the spectacular escape of the 1%, unique to the United States among advanced market society. The course concludes with examination of proposed reforms, and assessment of their likely effectiveness on the background of the experience of regimes within American capitalism covered in the first ten weeks of the course. There is no exam. Students will submit an individual paper, no longer than 2500 words, as their end-of-semester project.

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Law and Political Economy?

Course #: 2630

Term: 2022FA

Faculty: Kennedy, David

Credits: 2.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Wed 1:30 PM - 3:30 PM

Course Description:

Prerequisites: None

Exam Type: Any-Day Take-Home

Around the world, questions of "political economy" are back on the agenda, arrangements long taken for granted open to question, often in the name of "inequality." This two credit course will consider left liberal and more radical intellectual traditions for thinking about political economy and what law has to do with it. Along the way, we will contrast alternative ideas about how the great disparities in wealth, status and authority arise, are reproduced and might be reduced. Is "inequality" the right frame? Or something more like subordination, exploitation or expropriation? Is law primarily a reformer's tool - or something more fundamental to the reproduction of hierarchies? What would it mean to rethink or remake the foundations for political and economic life, either nationally or globally?

Emeritus Professor Duncan Kennedy will participate in the discussions.

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Laws of War

Course #: 2296

Term: 2022FA

Faculty: Modirzadeh, Naz

Credits: 4.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Wed 1:30 PM - 3:30 PM

Thu 1:30 PM - 3:30 PM

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

Prerequisite: Public International Law is recommended.

Exam Type: One-Day Take-Home

The law of war is one of the oldest branches of international law, but whether its centuries-old norms align with modern conflicts remains a contested area of legal practice and interpretation. This course will explore the primary branch of international law applicable to situations of armed conflict, often referred to as international humanitarian law (IHL) or the law of armed conflict (LOAC). We will examine foundational doctrines and concepts and then explore some of the foremost contemporary challenges. We will consider, for example, direct participation of civilians in hostilities; the geographic, temporal, material, and personal scope of armed conflict; the interplay between international human rights law, international criminal law, and IHL; and the relationship between the legal framework governing terrorism and IHL. We will investigate such questions as how does international law regulate the means and methods of warfare, protection of civilians, and humanitarian access in situations of armed conflict? How does international law classify and regulate different categories of armed conflict, and how does it distinguish armed conflicts from other situations of organized armed violence? How does the law seek to balance principles of military necessity and humanity? And how does the law address emergent technologies?

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Lawyering for Children & Youth Clinical Seminar

Course #: 2021 **Term:** 2023SP **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 3:45 PM - 5:45 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 (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: Early drop of November 28, 2022.
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 Child Advocacy Clinic is an externship clinic where students are placed for fieldwork in a legal setting in the child advocacy arena. The course is the companion seminar. The Clinic and accompanying seminar are designed to educate students about a variety of substantive areas impacting the lives of children, and the different systems that are meant to serve them. In addition, the course exposes students to a range of social change strategies to encourage critical thinking about the pros and cons of different approaches. The Clinic is relevant not only for students with a particular interest in children's issues, but also for those more generally interested in social change.
Enrollment Options: The Child Advocacy Clinic offers three different clinical fieldwork options: a fall-only clinic, a spring-only clinic, and a winter-spring clinic. The clinical seminar is taken concurrently with the fieldwork. All clinic students participate in both the classroom seminar and a clinical fieldwork component during the spring 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, education, 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 young people 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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Lawyering for Children & Youth Clinical Seminar

Course #: 2275 **Term:** 2022FA **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 3:45 PM - 5:45 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 (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, 2022.
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 Child Advocacy Clinic is an externship clinic where students are placed for fieldwork in a legal setting in the child advocacy arena. The course is the companion seminar. The Clinic and accompanying seminar are designed to educate students about a variety of substantive areas impacting the lives of children, and the different systems that are meant to serve them. In addition, the course exposes students to a range of social change strategies to encourage critical thinking about the pros and cons of different approaches. The Clinic is relevant not only for students with a particular interest in children's issues, but also for those more generally interested in social change.
Enrollment Options: The Child Advocacy Clinic offers three different clinical fieldwork options: a fall-only clinic, a spring-only clinic, and a winter-spring clinic. The clinical seminar is taken concurrently with the fieldwork. 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, education, 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 young people through reflections, readings and class discussions.
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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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Leading from the Middle

Course #: 2161

Term: 2023SP

Faculty: DeFilippo, Mandy

Credits: 2.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law

Delivery Mode: Seminar

Days and Times:

Location

Mon 6:00 PM - 8:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This offering 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 offering 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.

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Legal History Workshop: Sex and the Law

Course #: 2596

Term: 2022FA

Faculty: Lvovsky, Anna

Credits: 1.00

Type: Elective

Subject Areas: Legal History

Delivery Mode: Course

Days and Times:

Location

Mon 3:45 PM - 5:45 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

This workshop, offered as a 1-credit course held over six sessions, aims to provide students with historical perspectives on the intersections between law and society. Assignments and class discussions will feature a mix of major works in the field of legal history, introducing students to critical methodologies and historical debates, and presentations by leading historians of the regulation of sex, gender, and sexuality. Further information about presentations and meeting dates will be available closer to the fall.

Students will be expected to submit weekly questions and write a short reflection paper at the end of the course. Students will have the choice of adding an additional credit by completing a substantial research paper.

Note: This course will meet over six weeks; specific dates TBD.

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Legal History: American Legal Education

Course #: 2164

Term: 2023SP

Faculty: Coquillette, Daniel

Credits: 2.00

Type: Elective

Subject Areas: Legal History

Delivery Mode: Seminar

Days and Times:

Location

Tue 6:00 PM - 8:00 PM

Course Description: Prerequisites: None

Exam Type: No Exam

A research paper will be required rather than a final examination.

This seminar is designed for students who are genuinely interested in what has happened to them at law school and who would like to examine carefully the nature of their legal education. It is also a practical introduction to the many different careers available in legal education. We will commence with the English and Continental origins of legal scholarship and teaching, examine the development of formal legal education in America from the founding of the Litchfield and Harvard Law Schools to the rise of Legal Realism, and conclude with the pressing controversies facing Americas law schools today. Among the topics covered will be the relationship between formal legal education and the practicing bar, the changing composition of the faculty and the student body, the early pedagogical controversies, the different methods and ends of modern legal instruction, and the role played by law schools in fundamental disputes about jurisprudence, political ideology, economics, and social reform.

Note: This seminar is jointly-listed with BC.

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Legal History: Continental Legal History

Course #: 2165 **Term:** 2023SP **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. Please contact the faculty for more details.

Legal History: English Legal History

Course #: 2370 **Term:** 2022FA **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: Prerequisite: None

Exam Type: No Exam

An introduction to the history of law and legal institutions in England from the Anglo-Saxons to the seventeenth century. The principal focus will be on the development of private law. No previous background in English legal history will be assumed. A short paper is required and two final essays, something like a take-home exam.

Note: This course is jointly listed with FAS as Medieval Studies 117.

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Legal History: English Legal History Seminar

Course #: 2371

Term: 2023SP

Faculty: Donahue, Charles

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Tue 4:15 PM - 6:15 PM

Course Description:

Prerequisites: The English Legal History course or the permission of the instructor, is required. Some materials in Latin and French will be studied, but neither language is required.

Exam Type: No Exam

An exploration of the sources of English legal history for those who wish to study the high medieval and early modern periods (roughly 1100–1600) in more depth than is possible in the introductory course. Three short papers will be required.

Note: This seminar is jointly-listed with FAS as History 2080. Students not writing their third-year papers in conjunction with this seminar should sign up for an hour of independent written work with Professor Donahue.

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Legal Innovation Through Design Thinking

Course #: 2689

Term: 2022FA

Faculty: Westfahl, Scott; Yi, Daniel

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Mon 6:00 PM - 8:00 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 Policies, Randomized Control Trials, and Ethics

Course #: 3090 **Term:** 2022FA **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**

Thu 5:45 PM - 7:45 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, or the Fall 2021 reading group, Be Careful What You Wish For, 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

Legal Problems in Cybersecurity and Cyber Conflict

Course #: 2776 **Term:** 2023SP **Faculty:** Edgar, Timothy **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:30 AM - 12:00 PM

Fri 10:30 AM - 12:00 PM

Course Description: Prerequisites: None

Exam Type: TBD

Cybersecurity and cyber conflict pose unique legal problems for governments, companies and citizens, with profound implications for the future of the internet. Computer systems and networks remain vulnerable to cyberattacks, and sensitive commercial and government data continues to be leaked or stolen at increasing rates. This course will examine the legal problems confronting the international community, the United States government and the private sector as they address network and computer insecurity. Topics covered will include the international law of armed conflict, criminal law, regulation and its alternatives, along with the impact of malicious cyber activity and defensive measures on human rights, civil liberties and privacy.

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Legal Profession

Course #: 2169 **Term:** 2022FA **Faculty:** Wilkins, David **Credits:** 4.00

Type: Legalprof **Subject Areas:** International, Comparative & Foreign Law; Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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 primarily available to JD 3Ls and LLM students. Seats will open to 2Ls if space provides..

Harvard Law School Course Catalog

2022-2023 Academic Year

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Legal Profession

Course #: 2169

Term: 2022FA

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 primarily available to JD 3Ls and LLM students. Seats will open to 2Ls if space provides.

Harvard Law School Course Catalog

2022-2023 Academic Year

May 23, 2022 3:24 PM

Legal Profession

Course #: 2169

Term: 2023SP

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 10:30 AM - 12:00 PM

Wed 10:30 AM - 12:00 PM

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

Prerequisite: None

Exam Type: One Day Take-Home

This course considers three categories of materials. First, we will study the nature of professionalism in American society with readings and problems dealing with practical issues of professional responsibility faced by lawyers in the daily routine of private practice. Second, we will deal with issues faced by the profession as a whole, including the ways of providing effective legal services to all members of the community, regulation of competition, and the imposition of professional discipline. Third, we will also look at the organization and demographics of the profession, its units of practice, and what professional life is like in the twenty-first century. The course also invites students to address the questions: What kind of lawyer do I want to be, and to what kind of profession do I wish to belong?

Note: This course is primarily available to JD 3Ls and LLM students. Seats will open to all students if space provides.

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2022-2023 Academic Year

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Legal Profession

Course #: 2169

Term: 2022FA

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 primarily available to JD 3Ls and LLM students. Seats will open to 2Ls if space provides.

Harvard Law School Course Catalog

2022-2023 Academic Year

May 23, 2022 3:24 PM

Legal Profession

Course #: 2169

Term: 2023SP

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 primarily available to JD 3Ls and LLM students. Seats will open to all students if space provides.

Harvard Law School Course Catalog

2022-2023 Academic Year

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Legal Profession

Course #: 2169

Term: 2022FA

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 primarily available to JD 3Ls and LLM students. Seats will open to 2Ls if space provides.

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Legal Profession

Course #: 2169

Term: 2023SP

Faculty: Gantt, Natt

Credits: 3.00

Type: Legalprof

Subject Areas: Legal Profession, Legal Ethics & Professional Responsibility

Delivery Mode: Course

Days and Times:

Location

Wed 2:00 PM - 3:30 PM

Thu 2:00 PM - 3:30 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 examine the rules and standards of professional responsibility and legal ethics with a focus on how the study and practice of law shape the professional identity formation of law students and lawyers. As the Preamble to the ABA Model Rules of Professional Conduct states, "Virtually all difficult ethical problems arise from conflict between a lawyers responsibilities to clients, to the legal system and to the lawyers own interest in remaining an ethical person while earning a satisfactory living." We will therefore explore how you can develop practical judgment and good decision-making skills to navigate these conflicts. We will use a problem-based approach that will enhance your ability to identify ethical issues and apply the professional responsibility standards to the variety of ethical situations lawyers face in daily law practice across different practice settings. Given that lawyers often divergent duties may impact their personal integrity, the course will consider how religious principles and moral virtues inform our understanding of how best to approach ethical challenges. We will also address how issues of professional responsibility affect lawyers well-being and how developing your personal philosophy of lawyering will help you contemplate the kind of lawyer you want to be and the ways you can improve the legal profession.

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Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges

Course #: 2169 **Term:** 2022FA **Faculty:** Charn, Jeanne **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 10:15 AM - 12:15 PM

Tue 10:15 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: No Exam

Whether in solo, small firm or not for profit legal aid offices, new modes of serving clients of modest means offer promise of expanded access to legal advice and assistance but also pose ethical and professional challenges for the bar. This course explores new modes of practice such as: discrete task representation (unbundled legal services), collaborative law practice, advice and hot line services, on-line advice services, virtual law practices, and participation in court based lawyer of the day and other on-site assistance for self-represented litigants. In addition to a focus on the law and ethics of the profession, we will consider the implications of a rapidly changing profession for legal education, law practice management, the response of the organized bar to less lawyer-centric services, assuring service quality, assessing the outcome and cost-effectiveness of different approaches to service delivery, understanding the legal needs of people of modest means, and assuring that prospective consumers of legal services understand the service options available to them. In lieu of a final exam, students will, in consultation with the course instructor, develop a research project that reports on and analyzes the ethics, efficacy, and feasibility of new approaches to service delivery.

Some seats are reserved for students in the fall Delivery of Legal Services clinic. Students who enroll in the fall Delivery of Legal Services clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the fall Delivery of Legal Services clinic they will also lose their reserved seat in this course. Please note that this course has an early drop deadline of TBD for students enrolled in reserved clinical seats.

Note: This course is only available to JD 3Ls and LLM students.

This course will meet on average of three hours per week.

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2022-2023 Academic Year

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Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges

Course #: 2169 **Term:** 2023SP **Faculty:** Charn, Jeanne **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:30 PM

Thu 1:30 PM - 3:30 PM

Course Description: Students who enroll in this course may count the credits towards the JD professional responsibility requirement.
Prerequisites: None
Exam Type: No Exam

Whether in solo, small firm or not for profit legal aid offices, new modes of serving clients of modest means offer promise of expanded access to legal advice and assistance but also pose ethical and professional challenges for the bar. This course explores new modes of practice such as: discrete task representation (unbundled legal services), collaborative law practice, advice and hot line services, on-line advice services, virtual law practices, and participation in court based lawyer of the day and other on-site assistance for self-represented litigants. In addition to a focus on the law and ethics of the profession, we will consider the implications of a rapidly changing profession for legal education, law practice management, the response of the organized bar to less lawyer-centric services, assuring service quality, assessing the outcome and cost-effectiveness of different approaches to service delivery, understanding the legal needs of people of modest means, and assuring that prospective consumers of legal services understand the service options available to them. In lieu of a final exam, students will, in consultation with the course instructor, develop a research project that reports on and analyzes the ethics, efficacy, and feasibility of new approaches to service delivery.

Some seats are reserved for students in the spring Delivery of Legal Services clinic. Students who enroll in the spring Delivery of Legal Services clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the spring Delivery of Legal Services clinic they will also lose their reserved seat in this course. Please note that this course has an early drop deadline of TBD for students enrolled in reserved clinical seats.

Note: This course is only available to JD 3Ls and LLM students.

This course will meet on average of three hours per week.

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Legal Profession Seminar

Course #: 2170 **Term:** 2023SP **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 3:45 PM - 5:45 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 10-15 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: 2022FA

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 - 7:15 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.

Note: This course is primarily available to JD 3Ls and LLM students. Seats will open to 2Ls if space provides.

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2022-2023 Academic Year

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Legal Profession: Government Ethics - Scandal and Reform

Course #: 2169 **Term:** 2023WI **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**

Thu 9:00 AM - 12:30 PM

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

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 primarily available to JD 3Ls and LLM students. Seats will open to all students if space provides.

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Legal Profession: Public Interest Lawyering

Course #: 2169

Term: 2023SP

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. Note: This course is primarily available to JD 3Ls and LLM students. Seats will open to all students if space provides.

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Legal Tools for Protecting Democracy and the Rule of Law in America

Course #: 2994 **Term:** 2022FA **Faculty:** Florence, Justin; Kwon, Christine **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 1:30 PM - 3:30 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 (3-5 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 12, 2022. 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 an 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 protect our democratic institutions. This will include the development and conduct of effective litigation raising constitutional, administrative law, and statutory issues; policy advocacy and coordination; transparency promotion and government oversight; strategic communications; 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:** 2023SP **Faculty:** Nadeau, Genevieve; El-Mallawany, Deana **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:45 PM - 5:45 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 (3-5 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 2, 2022.
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 an 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 protect our democratic institutions. This will include the development and conduct of effective litigation raising constitutional, administrative law, and statutory issues; policy advocacy and coordination; transparency promotion and government oversight; strategic communications; 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:** 2022FA **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 12, 2022.
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.

Harvard Law School Course Catalog

2022-2023 Academic Year

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LGBTQ+ Advocacy Clinic

Course #: 8054 **Term:** 2023SP **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 26, 2022. 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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Litigating in the Family Courts: Domestic Violence and Family Law Clinic

Course #: 8032 **Term:** 2022FA **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 12, 2022.
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:** 2023SP **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 2, 2022.
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.

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.

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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 Clinical Seminar

Course #: 2085

Term: 2022FA

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 1:30 PM - 3:30 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 12, 2022.

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:** 2023SP **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 1:30 PM - 3:30 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 2, 2022.

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: 2023WI

Faculty: Bowie, Nikolas

Credits: 2.00

Type: Elective

Subject Areas: 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:

Prerequisites: None

Exam Type: No Exam

Any given place in the United States is governed by a diverse, overlapping, and conflicting set of governments, from the federal government and counties to water districts and homeowners' associations. All of these governments play a role in addressing any given political issue: immigration policy is determined both by municipal housing authorities and the Department of Homeland Security; a school's curriculum is set as much by a state's education department as by a local school board. Local government law refers to the principles that determine how these governments are structured and how they interact with one another—particularly when they disagree. Just as a constitutional law course focuses on the constitution of the federal government and a state constitutional law course focuses on the constitutions of state governments, this course focuses on the many other constitutions, charters, organic laws, and governing documents that empower and constrain America's many other democracies.

When you finish this course, you will not only be able to identify the many different types of government that operate at the local level, but you will also understand the principles that govern the structure of each government, who is allowed to participate in it, what it may do, and what it may not do. You will know where these principles come from—that they're not natural features of the American landscape, but the product of historically contingent decisions to advance particular values (like centralization or libertarianism) and outcomes (like racial segregation or reducing the effect of property taxes on schools). Most importantly, when you finish this course you will be able to do local government law: apply and challenge these principles to advance your own chosen values and outcomes in the real world.

The course will be graded on the basis of two short papers.

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M&A Litigation

Course #: 3009

Term: 2022FA

Faculty: Fried, Jesse

Credits: 2.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Seminar

Days and Times:

Location

Wed 3:45 PM - 5:45 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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Making Rights Real: The Ghana Project

Course #: 2326 **Term:** 2023SP **Faculty:** White, Lucie **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 6:00 PM - 8:00 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Required Clinic Component: Making Rights Real: The Ghana Project Clinic (1 required or 1 required + 1 optional spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.
Additional Pre-/Co-Requisites: None.
By Permission: Yes. Applications to the clinic will be accepted on a rolling basis with a deadline of December 2, 2022..
Add/Drop Deadline: December 2, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
Exam Type: No Exam. This course is an academic workshop that wraps around and is concurrent with an on-going clinical project in which students work with Ghanaian partners on economic and social rights realization on the ground. The course - both the theoretical and practical dimensions - are situated at the intersection of economic and social rights, development, and, human rights advocacy.
The workshop is designed to offer the theoretical frame for the theory/practice experience. Thus, the workshop will focus on Ghana in the context of its history, geography, religion and culture, socioeconomic profile, and development trajectory. It will also enable students to prepare for the interpersonal and cultural challenges of North/South lawyering partnerships. The fall and spring term workshop will include readings, group presentations, academic writing, and jointly produced background and follow-up documents anchored in the practical work.
Admission to the academic and clinical components is determined together, by permission of the instructor. Students should apply by submitting a two-page double spaced statement of interest and a one-page CV to the clinical office (clinical@law.harvard.edu) with a cc to Ellen Keng (ekeng@law.harvard.edu) by December 2, 2022. Accepted candidates will be enrolled in the clinic and clinical course by the Office of Clinical and Pro Bono Programs.

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Making Rights Real: The Ghana Project Clinic

Course #: 8025 **Term:** 2023SP **Faculty:** White, Lucie **Credits:** 1.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.
Students are required to enroll in 1 spring clinical credit. Students will have the option of enrolling in a 2nd optional clinical credit. Please discuss this option with Professor White directly.
Required Class Component: Making Rights Real: The Ghana Project (2 spring classroom credits). This clinic and course are bundled; your enrollment in the 1 required clinical credit will automatically enroll you in the required course.
Additional Pre-/Co-Requisites: None.
By Permission: Yes. Applications will be accepted on a rolling basis up until December 2, 2022.
Add/Drop Deadline: December 2, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
Placement Site: Ghana.
The Making Rights Real clinic will build on a partnership between Professor White, Harvard law students, University of Ghana Law School faculty and students, and a Ghanaian civil society organization (CSO) engaged in leading-edge human rights work on educational equity in Ghana's underserved rural North. Though there may be an opportunity for selected students to travel to Ghana over spring break, this January's activities will take place through intensive online lawyering activities, including virtual stakeholder meetings and community workshops, interviews with government officials, Ghana School of Law/HLS collaboration. The goal of this year's clinic will be to assist community members to document and critique experiences of educational inequity and take part in an on-going process legislative and policy reform. Our CSO partner uses multi-layered lawyering strategies, such as legal research and analysis; reviewing and drafting legislation and regulations; strategy mapping; human rights documentation; participatory action research; partner briefings; designing and facilitating grassroots education and empowerment workshops; conducting community meetings; and working with media. Thus, in addition to our specific assignments, the clinic provides students engagement with an organization widely recognized for its creative work.
Admission to the academic and clinical components is determined together, by permission of the instructor. To apply, students should submit a two-page double spaced statement of interest and a one-page CV to the clinical office (clinical@law.harvard.edu) with a cc to Ellen Keng (ekeng@law.harvard.edu). Accepted candidates will be enrolled in the clinic and clinical course by the Office of Clinical and Pro Bono Programs. To add the 1 optional clinical credit confer with Professor White and then contact the Clinical Office by the end of the clinical drop/add period on December 2.

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Mass Incarceration and Sentencing Law

Course #: 2918

Term: 2023SP

Faculty: Gertner, Nancy

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Tue 3:45 PM - 5:45 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:** 2023SP **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 3:45 PM - 5:45 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.

Maximizing Joint Gains: How Taxes Affect Business Decisions

Course #: 2341 **Term:** 2023SP **Faculty:** Abrams, Howard **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description: Prerequisites: None

Exam Type: In Class

This course is taught from a book written by B-school professors for B-school students. It is entirely self-contained: there are no prerequisites. We will learn the basic rules of federal income taxation without worrying about the details, and we will determine how those rules affect business decisions. The assignments will require detailed computations (largely of present values). The exam will not require any computations but the students will be asked to describe (with words and equations) how the computations would be made. We will look at a variety of topics likely including choice of deferred compensation for high-net-worth individuals, choice of business organization, debt-equity choices, form of merger and acquisition activity, and choice of location (domestic and foreign).

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Media Images & The Law: Contesting Media in the Modern Era

Course #: 2612

Term: 2023SP

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 1:30 PM - 3:30 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: 2023SP

Faculty: Hoffman, David; Lee, Audrey

Credits: 3.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Thu 4:00 PM - 7:15 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 primary focus of this experiential learning course is on developing mediation skills — as a mediator and also as an advocate in the mediation process. 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: 2022FA

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 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 2022 will be: October 1-2 and October 15-16, 2022. 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 2, 2022

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 HMP’s mandatory basic mediation training; (2) participate in mediating or observing mediations at court sessions and/or virtually on an approximately weekly basis; and (3) work on projects to support HMP’s mediation services and mediation training. Timing of many of the mediation sessions are subject to the courts schedules - generally mornings on Wednesday, Thursday or Friday, or afternoons on Tuesday or Friday, 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: 2022FA

Faculty: Mondell, Catherine

Credits: 2.00

Type: Elective

Subject Areas: Disciplinary Perspectives & Law; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Mon 3:45 PM - 5:45 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 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 2022 will be: October 1-2 and October 15-16, 2022. 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 2, 2022.

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 four 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 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

Course #: 2184 **Term:** 2023SP **Faculty:** Coates, John **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:30 AM - 12:00 PM

Fri 10:30 AM - 12:00 PM

Course Description: Prerequisite or Corequisite: Corporations. For LLM students with the relevant background but who have not taken Corporations at HLS, contact Prof. Coates assistant, Stacy Tollman (stollman@law.harvard.edu) for permission to waive the requisite.

Exam Type: No Exam. The approach is practical rather than theoretical. Students will work in assigned teams of 4 or 5, and grades will be based on team projects.

A merger or large acquisition is often the most significant event in the life of a firm, and can have dramatic consequences for all of a firm's constituencies—from shareholders, directors, and managers to employees, customers, and communities. The process through which mergers and acquisitions are evaluated, structured, and implemented is bound up with the law in many respects. The course covers contract, corporate, and securities law issues relevant to mergers and acquisitions of large companies, both public and private, including the Williams Act, proxy rules, state case law, and important forms of private ordering (such as letters of intent, poison pills, lockups, earn-outs and side agreements). It also touches on basics of antitrust procedure relevant to such transactions.

The approach is practical rather than theoretical. Students will work in assigned teams of 4 or 5, and grades will be based on team projects.

Mind and Criminal Responsibility in the Anglo-American Tradition

Course #: 2831 **Term:** 2023SP **Faculty:** Kamali, Elizabeth Papp **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:45 PM - 5:45 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.

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Misdemeanor Justice

Course #: 2761

Term: 2022FA

Faculty: Natapoff, Alexandra

Credits: 1.00

Type: Elective

Subject Areas: Criminal Law & Procedure

Delivery Mode: Reading Group

Days and Times:

Location

Tue 3:45 PM - 5:45 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

Misdemeanors comprise the vast bulk of the American criminal system, approximately 80 percent of criminal dockets, yet they are under-scrutinized and under-theorized. This class will explore all aspects of the misdemeanor phenomenon, including its economic, racial, and democratic implications, with an eye towards reconceptualizing the entire criminal process from the perspective of the petty offense. Readings will include legal theory and sociological research as well as litigation documents, government investigations, non-profit reports, and media coverage.

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

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Money Design and Inequality

Course #: 3028 **Term:** 2022FS **Faculty:** Desan, Christine **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**

Thu 1:30 PM - 3:30 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.

The seminar will run biweekly during the Fall 2022 and Spring 2023 semesters.

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Music and Digital Media

Course #: 2189 **Term:** 2023SP **Faculty:** Bavitz, Christopher **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 6:00 PM - 8:00 PM

Course Description: Prerequisites: A prior course or other background in copyright law would be useful but is not required.

Exam Type: No Exam

This course explores a variety of legal issues relating to the creation, exploitation, and protection of music and other content. The seminar focuses on traditional legal regimes and business models and the ways in which new technologies (particularly the evolution of digital media and the Internet) have affected legal and business strategies involved in the making and distribution of content. The course's primary emphases are music and the ways in which legal principles manifest themselves in practice in the music industry. The seminar builds off a discussion of music rights to address issues surrounding content rights in other contexts, and it reviews the ways in which traditional concepts and practices in this area are challenged by and evolving in the digital world. The course balances discussions of big-picture doctrinal, policy, and theoretical considerations with a focus on day-to-day legal and business practices and specific skills (transactional, client counseling, and litigation) that are relevant to practitioners in this area.

National Security Law

Course #: 2190 **Term:** 2022FA **Faculty:** Baker, James **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 6:00 PM - 8:00 PM

Course Description: Prerequisite: Enrollment is by permission of instructor. Interested students should email a CV and statement of interest to Mr. Baker at jbaker@law.harvard.edu. Please apply no later than August 1, 2022. Students will receive notification shortly thereafter.

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:** 2023SP **Faculty:** Sargentich, Lewis **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 3:45 PM - 5:45 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:** 2023SP **Faculty:** Mergen, Andrew **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 6:00 PM - 8:00 PM

Course Description: Prerequisites: None

Exam Type: In Class

This course is a survey of federal natural resources law with a particular emphasis on how courts resolve disputes in this area. Emphasis will be placed on ongoing legal disputes, including natural resources cases in the Supreme Court and the courts of appeals. The course will start with a review of the historical, constitutional, and administrative law underpinnings of modern day natural resources law. The remainder of the course will focus on the major federal natural resources statutes with an initial examination of two of the most fundamental and transformational statutes of modern natural resources law: the National Environmental Policy Act and the Endangered Species Act. The course will then move on to the major statutes governing public lands such as the National Forest Management Act, Federal Land Management & Policy Act, National Park Service Organic Act and laws addressing development of mineral resources on Federal lands. The course will conclude by turning to laws governing coastal and living marine resources such as the Coastal Zone Management Act, Outer Continental Shelf Lands Act, and Magnuson-Stevens Fishery Conservation Act. The course will weave in discussion of present-day controversies such as National Monument designations, and oil, gas, and mineral leasing and regulation on Federal lands.

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Negotiation Workshop

Course #: 2195 **Term:** 2023WS **Faculty:** Mnookin, Robert **Credits:** 4.00

Type: Multisection **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; International, Comparative & Foreign Law; Legal Profession, Legal Ethics & Professional Responsibility; 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.
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, 2022. 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

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the first day. The Workshop will begin at 9:00 am sharp on Tuesday, January 3, 2023. 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 20, 2023.

The Workshop will be limited to 144 students who will be divided into six working groups of 24 each. Plenary sessions of the full class will be devoted to demonstrations, discussion problems, lectures, video and film. Much of the time devoted to exercises and simulations will take place in the smaller working groups, each of which will be led by an experienced instructor and a teaching assistant. In addition to participating in the daily activities, students will be expected to keep a journal and write a short paper. The journal is submitted weekly. This course has no final examination and the short paper will be due during the spring semester in light of the intensity of the Workshop during the winter term. During the first week of the Workshop, JD and LLM students will be given an opportunity to elect to take the Workshop on a credit/fail basis. For cross-registrants, the availability of the credit/fail option is dependent on the policies of their home school.

Note - Early Drop Deadline: The Workshop has an early drop deadline: TBD. The course may not be dropped after this date without the written permission of the instructor and students who drop after this date will receive a WD on their transcript.

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Negotiation Workshop

Course #: 2195 **Term:** 2023SP **Faculty:** Heen, Sheila **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 3:45 PM - 8:00 PM

Thu 3:45 PM - 8:00 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

*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 TBD. For more information please visit the course website: <http://hnmcp.law.harvard.edu/application-crossreg/>.

Lawyers—like all other professionals—must negotiate. Litigators resolve far more disputes through negotiation than by trial. Business lawyers, whether they are putting together a start-up company, arranging for 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. And all professionals negotiate within their own organizations for salaries, workload and roles, with constituents they represent, clients they serve, or co-founders they collaborate with.

Yet few professionals have studied the negotiation process or have any systematic understanding of why negotiations often fail, the dilemmas inherent in the process, or the skills necessary to be an effective negotiator.

By combining theory and practice, this Workshop aims to improve your analytical understanding of the negotiation process and your skill as a negotiator. The Workshop is designed to improve your ability to prepare for a negotiation, to engage others in joint problem-solving and decision-making, and to diagnose what is going wrong and what to do differently when negotiations break down. Above all, this Workshop will equip you to continue refining your skills as you gain more negotiation experience throughout the rest of your professional life.

The Workshop is intensive and time consuming. Because any absences deprive your peers of the chance to negotiate and learn, attendance for all class sessions is mandatory.

The Workshop integrates intellectual and experiential learning by combining short lectures with frequent exercises, extensive review, live and filmed examples, individual and small group reviews, and careful analysis of the negotiation process and the process of learning from experience.

The Workshop is limited to 144 students who are divided into six working groups of 24 students each. The teaching team consists of six faculty members; each Working Group is taught by one faculty member and one teaching assistant. All Working Groups follow a common syllabus that has been developed collaboratively by the senior teaching team.

In addition to participating in the daily activities, students will be expected to keep a weekly journal and to

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produce a number of short, written products throughout the term. This course has no final examination.

During the first week of the Workshop, upperclass and LL.M. students will be given an opportunity to elect to take the Workshop on a credit/fail basis. We welcome cross-registrants, who enhance the richness of the experience for everyone. For cross-registrants, the availability of the credit/fail option is dependent on the policies of their home school.

Note - Early Drop Deadline: The Workshop has an early drop deadline: TBD. The course may not be dropped after this date without the written permission of the instructor and students who drop after this date will receive a WD on their transcript.

Non-profit Organizations and Law

Course #: 2156 **Term:** 2022FA **Faculty:** Minow, Martha; Prasad, Sridhar **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

Nonprofit organizations include large health care, educational, religious, arts, and political entities as well as small community services and advocacy efforts. Their vitality supports not only the people they directly serve but also the civil society that incubates new ideas, builds social capital, and strengthens democracy. Distinctive laws and traditions in the United States contribute to the dramatic growth of the nonprofit sector in size and influence. Also mounting is controversy over whether the benefits provided by nonprofit organizations justify their special statutory, regulatory, and tax treatment. This seminar will examine the historical and legal contexts for these debates and address: what justifies the rules governing nonprofit organizations? When should they be governed like private entities, when like public entities, and when like something different altogether? When and why are they exempted from taxation? To whom are they accountable? What cultural and legal changes should be promoted to address risks of self-dealing by nonprofit boards and staff; political debates over the benefits accorded to the sector, and related issues. Our focus on domestic nonprofits will include comparison with laws and practices of international nongovernment organizations.

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Nuts and Bolts of Forming a Venture Capital Fund

Course #: 2487 **Term:** 2022FA **Faculty:** Reed, Sarah; Painter, Robin **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 3:45 PM - 5:45 PM

Course Description: Prerequisites: None
Exam Type: No Exam

This course introduces students to the relationship between limited partner (LP) investors and the general partner (GP) managers of a VC fund. Among topics covered are (1) types of LPs; (2) due diligence performed by LPs; (3) the contractual relationship between LPs and the GP, including compensation of the GP; and (4) the post-closing relationship between LPs and the GP. Reading materials will consist mostly of contractual documents and practitioner articles. Grading will be based on weekly memos on the assigned readings.

Note: This course will meet over six weeks on the following dates: TBD.

Note: This is the same offering as the Fall 2019 course, Investing in VC Funds. If you completed the previous course, you will not be eligible to enroll in this.

Organizing for Economic Justice in the New Economy

Course #: 2067 **Term:** 2022FA **Faculty:** Block, Sharon **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 6:00 PM - 8:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam

Even as we enter a period of tight labor markets, the rate of workers in unions continues to decline. Income inequality accelerated during the pandemic. A growing category of people -- "gig workers" -- don't even know if they have an employer. The right to unionize has been eviscerated. In the face of these trends, how can working people organize and mobilize for economic justice? And what does the law do to enable or impede their efforts? A new generation of leaders is experimenting with innovative ways to enable workers to gain power in their workplaces, our communities and the economy. This course will explore the legal framework and challenges for these new organizations and movements, analyze their potential in achieving the scale and sustainability necessary to make lasting change, and challenge students to predict how the law can and should evolve to meet the needs of the next generation of American workers.

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Originalism and Its Discontents

Course #: 2766 **Term:** 2023SP **Faculty:** Sachs, Stephen **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 10:15 AM - 12:15 PM

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.

Partnership Tax

Course #: 2298 **Term:** 2022FA **Faculty:** Abrams, Howard **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 3:45 PM - 5:15 PM

Tue 3:45 PM - 5:15 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. Allocation of tax items among the partners under sections 704(b) and 704(c) are emphasized along with allocations of partnership indebtedness and inside basis adjustments. This is an important course for students interested in a career in tax law, private equity, or real estate.

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Patent Law

Course #: 2197

Term: 2022FA

Faculty: Bagley, Margo

Credits: 3.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 3:45 PM - 5:15 PM

Tue 3:45 PM - 5:15 PM

Course Description:

Prerequisite: None

Exam Type: Any-Day Take-Home

This course will examine and assess the legal rules in the United States governing patents. We will discuss the purposes and requirements for patent protection, ways to gain and lose patent rights, and the scope and enforcement of patent rights, including territorial considerations. Along the way we will explore several policy issues pertaining to patents. Those issues include the question of the kinds of subject matter that should be eligible for patent protection; the degree to which the patent system should differentiate among fields of technology (and the ways in which it currently does so); differences between design, utility and plant patent protection; and special considerations involved in the patenting of pharmaceutical products.

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Patent Trial Advocacy

Course #: 2934 **Term:** 2022FA **Faculty:** Tompros, Louis **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **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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Polarities: The Power of "Both/And" in Law and Leadership

Course #: 3181

Term: 2022FA

Faculty: Miller, Betsy

Credits: 1.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Reading Group

Days and Times:

Location

Thu 3:45 PM - 5:45 PM

Course Description: Prerequisite: Negotiation Workshop

Exam Type: No Exam

Lawyers should be skilled at advocacy and inquiry. We must tell clients the candid truth and deliver the message diplomatically. We have a duty to respect the law and a calling to evolve it.

We have all faced situations where our choices feel diametrically opposed, yet neither option seems sufficient on its own. Do I focus on my own needs or someone else's? Is the need for change more pressing than the arguments supporting stability? If I had to choose between a society that values justice or mercy, which should it be?

These choices aren't false dichotomies, but they do trick us into thinking the answer is selecting one over the other. Instead of Either/Or, the response should be Both/And. The instinct to choose isn't our fault. In fact, it has been key to our survival. The human brain evolved so we could make life-or-death decisions quickly. The impulse to make Either/Or choices serves us well when faced with a problem, but it is limiting when faced with a polarity.

Polarities are interdependent opposites that need each other to succeed over the long haul. They include some obvious examples: Our bodies require both Rest and Activity. Our lungs must inhale and exhale. Leaders need the ability to Act and Reflect. As for the more nuanced examples of polarities above: We should focus on our own needs and the needs of others; it is important to promote change and maintain functional stability; and all legal systems must honor the co-extensive principles of justice and mercy.

This reading group will examine the theory and practice of polarities as applied to Self, Leadership, and Society. We will map core polarities and apply this new awareness to our own lives, organizations, and the larger world around us. Each student will have the opportunity to take the Key Polarity Assessment, a tool that provides insight into personal preferences and blind spots. Through the lens of polarities, students will build the capacity to see and hold conflicting values with curiosity and respect. The result will be enhanced leadership potential, professional maturity, and a greater ability to unlock the increasingly complex world that awaits after graduation.

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

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Policing and Incarceration: Paths to Reform

Course #: 3160 **Term:** 2022FA **Faculty:** Goldstein, Rebecca **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

This course will examine policing and mass incarceration in the contemporary United States. The first half of the course will explore policing, considering how the modern police emerged, whether police reduce crime, and why police violence persists. The second half of the course will turn to mass incarceration, examining how the U.S. came to incarcerate people at a greater rate than any other nation, along with the individual and social consequences of incarceration. For both policing and mass incarceration, we will devote significant focus to the prospects for reform.

Readings will include scholarship from law, sociology, political science, and criminology, as well as journalistic and policy-focused accounts.

Policing in America: The Good, the Bad and The Ugly

Course #: 2870 **Term:** 2023SP **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 6:00 PM - 8:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam

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: 2023WI

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

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: 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:** 2023SP **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 1:30 PM - 3:30 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 with real world application by drafting written materials, presenting oral advocacy, and developing an advocacy campaign strategy for a range of policy reform ideas.

There will be short written assignments or preparation for in-class simulations due throughout the semester, as well as a longer written policy campaign strategy assignment due at the end of the semester. For the majority of these assignments, students will work in groups. Course faculty and other students will workshop these materials together in class and discuss strategies for improvement and best practices. 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
- Agency advocacy and commenting on agency regulations
- Legislative research and drafting
- Writing policy briefs
- Communications and media strategy
- Grassroots advocacy
- Lobbying
- Testifying for policymakers

Classroom sessions will also include presentations from guest speakers who have relevant policy experience with advocacy organizations, think tanks, and policymaking. Rather than a final examination, grades will be determined on the basis of written submissions, assignments, class participation, and the final policy advocacy strategy 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 drop their clinical enrollment will also lose their reserved seat in this course. Please note that there is a drop deadline of December 2, 2022 for students in this course enrolled in reserved clinical seats.

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Political Economy and Its Future

Course #: 2390 **Term:** 2023SP **Faculty:** Unger, Roberto Mangabeira **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 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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Poverty Law Workshop: A Toolkit for Addressing Inequity & Homelessness

Course #: 3119 **Term:** 2022FA **Faculty:** Gwin, Elizabeth; McCormack, Julie **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisites: None. The course is an optional co-requisite for students enrolled in the Safety Net Project of the Veterans Law and Disability Benefits Clinic at the Legal Services Center of Harvard Law School. Clinic students may enroll in this Poverty Law Workshop as an alternative to the "Veterans Law and Disability Benefits Clinical Seminar" that is otherwise required for students in the Veterans Law and Disability Benefits Clinic. The Office of Clinical and Pro Bono Programs will coordinate your registration in this workshop if you are enrolled in the clinic.

Exam Type: No Exam

Low-income Americans, especially those experiencing homelessness, must contend with a vast patchwork of federal and state public benefits programs. This course will provide an essential grounding in these safety net programs for law students interested in public interest law careers, including future legal aid attorneys, public defenders, policy advocates, government leaders, and attorneys engaging in pro bono work.

The primary objective of this course is to examine the unique legal issues of the most economically vulnerable and marginalized populations – those experiencing homelessness or housing insecurity – and consider whether the legal system provides access to justice in the programs that make up our social safety net. We will look at the forces creating homelessness and economic distress, discuss the historical and contemporary challenges of safety net programs, and identify effective advocacy strategies for public interest attorneys working with low-income clients and people experiencing homelessness. These themes will be explored through substantive trainings, readings, discussions, presentations by experts and service providers, and in-class exercises. Each week, we will provide substantive legal trainings in key state and federal safety net programs such that, by the end of the course, students will have a strong foundational knowledge of public assistance programs that will enhance students' ability to work with low-income clients or people experiencing homelessness. The course concludes with an examination of state and national campaigns to reform our safety net programs, including the influence of political forces on both the right and the left, and a discussion of the implications of the COVID-19 pandemic response.

This course is designed to help students engage in critical thinking and develop practical skills for working directly with low-income clients and those who are homeless or at risk of homelessness, and to inform and contextualize substantive law and policy reform discussions on the topics covered. It is offered as a resource for essential core information about safety net programs to complement a particular substantive course of study that an individual law student may be pursuing (for example in Environmental Law, or Tax Law), and also as a complement to Clinical or Student Practice Organization experiences. While we will be discussing national programs and trends, the course will focus at various points on the unique issues facing local people experiencing homelessness in our Boston community.

Students will be expected to engage in discussions with their peers and guest speakers in class, master the basic rules of safety net programs discussed in class, participate in in-class exercises, and create and present an advocacy plan responding to a particular policy issue or on behalf of a client. Specifically, non-clinical students will design a proposal to address a particular policy challenge within a safety net program, detailing their proposal's goals and the advocacy strategies they would employ. Clinical students will present questions about their direct work with clients in their Clinic cases, as they relate to the programs and policies discussed in class, and propose advocacy plans to assist their clients or the broader community.

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Poverty Law Workshop: A Toolkit for Addressing Inequity & Homelessness

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisites: None. The course is an optional co-requisite for students enrolled in the Safety Net Project of the Veterans Law and Disability Benefits Clinic at the Legal Services Center of Harvard Law School. Clinic students may enroll in this Poverty Law Workshop as an alternative to the "Veterans Law and Disability Benefits Clinical Seminar" that is otherwise required for students in the Veterans Law and Disability Benefits Clinic. The Office of Clinical and Pro Bono Programs will coordinate your registration in this workshop if you are enrolled in the clinic.

Exam Type: No Exam

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Students will be expected to engage in discussions with their peers and guest speakers in class, master the basic rules of safety net programs discussed in class, participate in in-class exercises, and create and present an advocacy plan responding to a particular policy issue or on behalf of a client. Specifically, non-clinical students will design a proposal to address a particular policy challenge within a safety net program, detailing their proposal's goals and the advocacy strategies they would employ. Clinical students will present questions about their direct work with clients in their Clinic cases, as they relate to the programs and policies discussed in class, and propose advocacy plans to assist their clients or the broader community.

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Power: Ethics, Means, Ends

Course #: 3106 **Term:** 2022FA **Faculty:** Feldman, Noah **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:30 PM - 3:30 PM

Fri 1:30 PM - 3:30 PM

Course Description: Prerequisite: None
Exam Type: Any-day take-home, or paper in lieu of exam option also 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.

Presidential Power in an Era of Conflict

Course #: 2949 **Term:** 2023SP **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**

Mon 3:45 PM - 5:45 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.

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Prison Law

Course #: 2394 **Term:** 2023SP **Faculty:** Weiss, Samuel **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

Course Description: Prerequisite: None
Exam Type: Any-Day Take-Home

While courses in criminal law tend to focus on the front end of the criminal legal process (investigation, prosecution, and verdict), this course focuses on the back end: the law of incarceration. What legal obligations does the state have toward those it incarcerates? Topics to be covered include: the evolution of prison rights litigation; the scope of constitutional rights in prison; the prison disciplinary process; the interaction of prison law and remedies; conditions of confinement; medical and mental health care; sexual assault; the intersection of prison law and gender identity; religious freedom; the enforcement of disability law inside prisons; immigration detention and incarceration; and alternatives to an American-style carceral system. There will also be a focus on legal practice-how lawyers litigate prison rights cases.

Private Law Workshop

Course #: 2206 **Term:** 2023SP **Faculty:** Smith, Henry; Goldberg, John **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Wed 1:30 PM - 3:30 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:** 2023SP **Faculty:** Unger, Roberto Mangabeira **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 1:00 PM - 3:00 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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Public Health Law and Policy

Course #: 2497 **Term:** 2023SP **Faculty:** Tomazic, Maryanne; Landauer, Rachel **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 3:45 PM - 5:45 PM

Course Description: 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 for spring clinical students in this course.

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Public Health Law and Policy

Course #: 2497 **Term:** 2022FA **Faculty:** Tomazic, Maryanne; Landauer, Rachel **Credits:** 2.00

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Delivery Mode: Seminar

Days and Times: **Location**

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Exam Type: No Exam

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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 for fall clinical students in this course.

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Public International Law

Course #: 2212 **Term:** 2022FA **Faculty:** Modirzadeh, Naz **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:15 AM - 12:15 PM

Fri 10:15 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: One-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:** 2023SP **Faculty:** Blum, Gabriella **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:30 PM

Thu 1:30 PM - 3:30 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:** 2023SP **Faculty:** Minow, Martha; Manning, John **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisite: Instructor permission is required for enrollment. Applicants should send a resume and statement of interest (with reference to prior coursework and experience related to public law) to Ellie Benagh at ebenagh@law.harvard.edu. Applications will be accepted October 11-31, 2022.

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:** 2022FA **Faculty:** Barron, David; Fung, Archon **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 3:45 PM - 5:45 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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Quantitative Reasoning

Course #: 2009 **Term:** 2023SP **Faculty:** Yang, Crystal **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:30 AM - 12:00 PM

Tue 10:30 AM - 12:00 PM

Course Description: Prerequisite: None
Exam Type: Last Class Take-home
This course provides an introduction to quantitative concepts and methods that are increasingly important for lawyers. We will explore these concepts through application to contexts such as election fraud, employment discrimination, jury selection, criminal law, and antitrust. The goal of the course is to provide students with the skills necessary to engage in quantitative reasoning and to become savvy consumers of quantitative evidence. This course does not require any background in mathematics, economics, or statistics.

Race & The Law: America's Ongoing Struggle with Changing Conceptions of Race

Course #: 2484 **Term:** 2022FA **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 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 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.

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Race and the Law

Course #: 2051 **Term:** 2023SP **Faculty:** Jenkins, Alan **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 10:15 AM - 12:15 PM

Fri 10:15 AM - 12:15 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, elements of proof, and available remedies. 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.

Race, Class, Policing, and Punishment

Course #: 3077 **Term:** 2022FA **Faculty:** Lewis, Christopher **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:30 PM - 3:00 PM

Fri 1:30 PM - 3:00 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.
Cross-registrants are encouraged to apply.

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Re-imagining global order as Asia re-emerges

Course #: 3142

Term: 2022FA

Faculty: Alford, William; Wu, Mark

Credits: 2.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Course

Days and Times:

Location

Wed 3:45 PM - 5:45 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

The re-emergence of Asia is posing conceptual and practical challenges to understandings of and frameworks for global order that were ascendant throughout the latter half of the 20th century. This workshop will examine the content of those challenges and what that suggests about the prospects for global order in the 21st century. Within Asia, the workshop is likely to focus principally on East and South Asia.

The workshop will draw on leading scholars from within and outside the US, predominantly but not exclusively, in law. We anticipate that the workshop will address economic, human rights, environmental and other issues. Students will be expected to do several short reaction papers on work-in-progress by our guests and will have the opportunity to engage with them in class. The workshop has no prerequisites.

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Reforming the American Constitution

Course #: 3048

Term: 2022FA

Faculty: Levinson, Sanford

Credits: 1.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights; Legal History

Delivery Mode: Reading Group

Days and Times:

Location

Tue 6:00 PM - 8:00 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 a near breakdown of government in the aftermath of the election of 1800 and then, of course, to civil war in 1861. Both led to constitutional amendments; the latter, so-called "Reconstruction Amendments" have sometimes been referred to as a "second founding" of the American republic. Yet the term "reconstruction" is itself ambiguous: Were it 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? In any event, it is plausible to believe that the existing amendments to the Constitution have created a political system truly congruent with the pressing needs of the 21st century, some of them scarcely conceivable to anyone living in the mid-19th century?

Events of the past several years, including but not limited to a world-wide pandemic, the rise of ever-more-militant protest movements within the United States (and elsewhere), the (double) impeachment of a president, and what is widely viewed as an "insurrectionary" attempt to overthrow the results of the 2020 election have certainly led many to suggest that we are in an impeachment of the President and the holding of an election that is 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.)

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 Lines in the Constitution*, ostensibly directed at teenagers, that set out the threats that, if activated, like

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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.")

Perhaps more significant than writing lone- or even co-authored books was my serving as chair in 2020-21 of an group brought together under the auspices of the journal Democracy, tasked with drafting a new constitution for the United States. At the same time, 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.

So the reading course will be devoted to looking at some of the suggested constitutional reforms and to debate their attractiveness. As always, I hope that at least some of Harvard remarkable cohort of LL.Ms 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.

Regulation of Financial Institutions

Course #: 2219 **Term:** 2022FA **Faculty:** Tarullo, Daniel **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:00 PM

Thu 1:30 PM - 3:00 PM

Course Description: Prerequisite:s None
Exam Type: One-Day Take-Home
This course explores the regulation of financial institutions and financial markets. Principal emphasis will be on the prudential regulation of banking organizations and their affiliates, with attention both to the economic and political rationales for regulation and to core statutory and regulatory doctrines. There will be briefer treatment of securities firms, asset managers and insurance companies. The course will also cover consumer protection and the oversight of systemic risk. While the primary focus of the course will be on financial regulation in the United States, there will be some attention to international aspects of financial regulation.

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Regulation of International Finance

Course #: 2124 **Term:** 2023SP **Faculty:** Tarullo, Daniel **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 1:30 PM - 3:00 PM

Tue 1:30 PM - 3:00 PM

Course Description: Prerequisite: None
Exam Type: One-Day Take-home
This course will examine international arrangements for the regulation of finance. Arrangements covered include the International Monetary Fund, the Financial Stability Board, the Basel Committee on Banking Supervision, the European Union, and the General Agreement on Trade in Services within the World Trade Organization. Specific substantive topics will be chosen to illustrate their activities. We will consider the substantial differences among these arrangements in institutional and governance structures, legal status, and relationship to domestic regulation. A recurring theme will be the tensions between the presumptive shared interests of governments in predictable rules or financial stability, on the one hand, versus divergent national commercial interests or regulatory preferences, on the other.
Note: This course is jointly listed with HKS as BGP-631.

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Religious Freedom Clinic

Course #: 8055 **Term:** 2022FA **Faculty:** McDaniel, Josh **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: Religious Freedom Clinic Seminar (2 fall classroom credits). The clinic and its classroom component are bundled; your enrollment in the clinic will automatically enroll you in the required seminar.
Additional Co-/Pre-Requisites: None.
By Permission: Yes. Applications are due by May 16, 2022.
Add/Drop Deadline: August 12, 2022.
LL.M. Students: LLM students may apply to the clinic through the LLM General Clinic Application.
Placement Site: HLS.
About the Clinic: The Religious Freedom Clinic provides students a hands-on, supervised experience representing a diverse group of clients in legal matters raising First Amendment and religious liberty issues. In the clinic, students represent religious individuals and organizations of all faiths, with a focus on helping the imprisoned, victims of workplace discrimination, and those facing obstacles in ministering to migrants, the poor, and their communities. Under the supervision of the clinic’s director and staff, clinic students engage in client counseling, policy work, pre-trial and trial litigation, appellate advocacy, and amicus work in cases of national importance.
Application Process: Admission to the Religious Freedom Clinic is by permission of the Clinic Director, Josh McDaniel. Students should submit an application to jmcdaniel@law.harvard.edu by May 16, 2022. (Applications after that date will be considered if additional seats become available.) The application should be in a combined PDF that includes a resume and a statement of interest of 250 words or less describing the students reasons for applying to the clinic, relevant coursework, and which semesters (fall and/or spring) the student is applying for.

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Religious Freedom Clinic

Course #: 8055 **Term:** 2023SP **Faculty:** McDaniel, Josh **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: Religious Freedom Clinic Seminar (2 spring classroom credits). The clinic and its classroom component are bundled; your enrollment in the clinic will automatically enroll you in the required seminar.
Additional Co-/Pre-Requisites: None.
By Permission: Yes. Applications are due by May 16, 2022.
Add/Drop Deadline: December 2, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
Placement Site: HLS.
About the Clinic: The Religious Freedom Clinic provides students a hands-on, supervised experience representing a diverse group of clients in legal matters raising First Amendment and religious liberty issues. In the clinic, students represent religious individuals and organizations of all faiths, with a focus on helping the imprisoned, victims of workplace discrimination, and those facing obstacles in ministering to migrants, the poor, and their communities. Under the supervision of the clinic’s director and staff, clinic students engage in client counseling, policy work, pre-trial and trial litigation, appellate advocacy, and amicus work in cases of national importance.
Application Process: Admission to the Religious Freedom Clinic is by permission of the Clinic Director, Josh McDaniel. Students should submit an application to jmcdaniel@law.harvard.edu by May 16, 2022. (Applications after that date will be considered if additional seats become available.) The application should be in a combined PDF that includes a resume and statement of interest of 250 words or less describing the students reasons for applying to the clinic, relevant coursework, and which semesters (fall and/or spring) the student is applying for.

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Religious Freedom Clinical Seminar

Course #: 3064

Term: 2022FA

Faculty: McDaniel, Josh

Credits: 2.00

Type: Elective

Subject Areas: Constitutional Law & Civil Rights

Delivery Mode: Seminar

Days and Times:

Location

Mon 3:45 PM - 5:45 PM

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

Required Clinic Component: Religious Freedom Clinic (3-5 fall/clinical credits).

Additional Co-/Pre-Requisites: None.

By Permission: Yes. Applications are due by May 16, 2022.

Add/Drop Deadline: August 12, 2022.

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

About the Clinic: The Religious Freedom Clinic provides students a hands-on, supervised experience representing a diverse group of clients in legal matters raising First Amendment and religious liberty issues. In the clinic, students represent religious individuals and organizations of all faiths, with a focus on helping the imprisoned, victims of workplace discrimination, and those facing obstacles in ministering to migrants, the poor, and their communities. Under the supervision of the clinic's director and staff, clinic students engage in client counseling, policy work, pre-trial and trial litigation, appellate advocacy, and amicus work in cases of national importance.

Application Process: Admission to the Religious Freedom Clinic is by permission of the Clinic Director, Josh McDaniel. Students should submit an application to jmcdaniel@law.harvard.edu by May 16, 2022. (Applications after that date will be considered if additional seats become available.) The application should be in a combined PDF that includes a resume and short (250 words or less) statement of interest describing the student's reasons for applying to the clinic, relevant coursework, and which semesters (fall and/or spring) the student is applying for.

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Religious Freedom Clinical Seminar

Course #: 3064 **Term:** 2023SP **Faculty:** McDaniel, Josh **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 3:45 PM - 5:45 PM

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

Required Clinic Component: Religious Freedom Clinic (3-5 spring clinical credits).

Additional Co-/Pre-Requisites: None.

By Permission: Yes. Applications are due by May 16, 2022.

Add/Drop Deadline: December 2, 2022.

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

About the Clinic: The Religious Freedom Clinic provides students a hands-on, supervised experience representing a diverse group of clients in legal matters raising First Amendment and religious liberty issues. In the clinic, students represent religious individuals and organizations of all faiths, with a focus on helping the imprisoned, victims of workplace discrimination, and those facing obstacles in ministering to migrants, the poor, and their communities. Under the supervision of the clinic’s director and staff, clinic students engage in client counseling, policy work, pre-trial and trial litigation, appellate advocacy, and amicus work in cases of national importance.

Application Process: Admission to the Religious Freedom Clinic is by permission of the Clinic Director, Josh McDaniel. Students should submit an application to jmcdaniel@law.harvard.edu by May 16, 2022. (Applications after that date will be considered if additional seats become available.) The application should be in a combined PDF that includes a resume and short (250 words or less) statement of interest describing the students reasons for applying to the clinic, relevant coursework, and which semesters (fall and/or spring) the student is applying for.

Remedies

Course #: 2221 **Term:** 2023SP **Faculty:** Gersen, Jacob **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 3:45 PM - 5:15 PM

Wed 3:45 PM - 5:15 PM

Course Description: Prerequisites: None
Exam Type: One Day Take-Home
This course will address what courts do for litigants seeking to vindicate their legal rights. Topics include damages, injunctive relief, declaratory judgments, restitution, and punitive civil remedies. These remedies are considered in both private law and public law settings. The course will particularly focus on the role of equity and equitable notions across the legal system.

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Reproductive Rights and Justice

Course #: 2540 **Term:** 2023SP **Faculty:** Goodwin, Michele **Credits:** 3.00

Type: Elective **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law & Procedure; Family, Gender & Children's Law; Human Rights; International, Comparative & Foreign Law; Legal & Political Theory

Delivery Mode: Course

Days and Times: **Location**

Wed 2:00 PM - 3:30 PM

Thu 2:00 PM - 3:30 PM

Course Description: Prerequisites: None

Exam Type: No Exam

The course materials and discussions span constitutional law, the political and legislative processes, and health law. Course topics include abortion, contraception, pregnancy exclusion laws, rape and statutory rape laws, personhood and feticide laws, artificial reproduction, surrogacy, civil and criminal prosecution for fetal endangerment, and reproductive rights of incarcerated and detained populations. This course is historically grounded, spanning early matrilineality and hypodescent laws to the eugenics era, and concluding with contemporary debates related sex equality, racial justice, LGBTQ rights, and religious concerns. This course requires substantial reading, preparation, organization, and the ability to analyze subtle nuances between various judicial decisions, legislative enactments, ethics, and legal rules.

Students will gain significant exposure to legal writing and will work to develop and hone these critical skills by drafting weekly position papers on the readings assigned for each class.

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Research Seminar in Law, Economics, and Organizations

Course #: 2157 **Term:** 2022FA **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 1:00 PM - 2:30 PM

Course Description: Prerequisite: None
Exam Type: No Exam
This seminar is co-taught by Professors Bebchuk, Kaplow, Spier, Spamann and Prof. Oliver Hart, the 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. 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:** 2023SP **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 1:00 PM - 2:30 PM

Course Description: Prerequisite: None
Exam Type: No Exam
This seminar is co-taught by Professors Bebchuk, Kaplow, Spier, Spamann and Prof. Oliver Hart, the 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. A student may take the seminar for only one term, for one credit (2 credit fall/spring terms, 1 credit fall term, or 1 credit spring term).
The seminar is given jointly with the FAS Economics Department, and should be taken only by students with substantial prior interest in and exposure to economic analysis. (If you have questions about this, please contact Professor Kaplow.) Students may satisfy the course requirement either by submitting, before sessions, short written comments on the paper to be presented or by writing a short seminar paper on an approved topic.

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Research Seminar in Law, Economics, and Organizations

Course #: 2157 **Term:** 2022FS **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 1:00 PM - 2:30 PM

Course Description: Prerequisite: None
Exam Type: No Exam
This seminar is co-taught by Professors Bebchuk, Kaplow, Spier, Spamann and Prof. Oliver Hart, the 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. 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:** 2023SP **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 3:45 PM - 5:45 PM

Course Description: Prerequisite: By Permission. Please send a one paragraph description of your related background and interest in the subject area to the instructor.

Exam Type: No Exam

This seminar will discuss the theory and practice of restorative and transformative justice. Some classes will involve discussions of readings; others will be experiential; and others will involve interacting with visiting restorative justice practitioners.

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Roman Law

Course #: 2473 **Term:** 2022FA **Faculty:** Donahue, Charles **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:30 AM - 12:00 PM

Wed 10:30 AM - 12:00 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
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:** 2023SP **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 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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:** 2022FA **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 8:15 AM - 9:45 AM

Thu 8:15 AM - 9:45 AM

Fri 8:15 AM - 9:45 AM

Course Description: Prerequisite: None
Exam Type: In Class
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.

Note: The course will meet for 24 ninety-minute sessions during the semester, primarily on Wednesdays and Thursdays and a small number of sessions on Fridays; exact schedule will be announced before the semester begins.

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Seeing Criminal (In)Justice: Examining the Interplay of Visual Media, Storytelling and Criminal Law

Course #: 2984 **Term:** 2022FA **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 3:45 PM - 6:45 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:** 2022FA **Faculty:** Giannini, Tyler; 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: Strategic Leadership & Advanced Human Rights Advocacy (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 April 15, 2022.
Add/Drop Deadline: June 1, 2022.
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) for the of Fall 2022. Students will enroll in 10 credits total with the Clinic for the semester (see breakdown below), with requirements as follows:

By application (Deadline: April 15, 2022).

Limited to 3Ls who have previously spent at least one semester in the IHRC.

Students will take the fall course, Strategic Leadership & Advanced Human Rights Advocacy (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 projects.

In addition to the 10 credits enrolled through the Semester in Human Rights, students may also enroll in one 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: 2022FA

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

Tue 6:00 PM - 8:00 PM

Wed 6:00 PM - 8:00 PM

Mon 6:00 PM - 8:00 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 over the first seven weeks of the term.

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Space Law and Policy

Course #: 3038

Term: 2022FA

Faculty: Swiney, Gabriel

Credits: 2.00

Type: Elective

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

Delivery Mode: Course

Days and Times:

Location

Mon 1:30 PM - 3:30 PM

Course Description:

Prerequisites: None

Exam Type: One-Day Take-Home

The global space industry is one of the fastest-growing sectors of the global economy, underpinning trillions of dollars in global trade. National governments and private sector actors are on the cusp of a new space era, with a broader range of actors engaged in novel activities, expanding human activity beyond Earth's orbit for the first time in human history. Outer space also underpins international security; nations are engaged in a race to control this domain. These facts demand attention by lawyers and policymakers.

This course will introduce students to the many sub-fields of space law, including: international space law, domestic legislation and regulatory systems, and liability regimes. Examination of applicable legal rules and norms will lead to discussion of current issues in space policy. These issues will include the use of space resources, orbital debris, and deconfliction of activities between competing governments and private sector actors.

Because the topics covered in this course are inherently interdisciplinary, the course should be of interest to a broad range of students, not only those hoping to focus on space issues in their future careers. In addition to providing a foundational understanding of space law and current issues in space policy, the course will provide tangible examples of how international, legislative, and regulatory systems interact.

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Special Education Advocacy for Students Impacted by Trauma

Course #: 2993 **Term:** 2022FA **Faculty:** Gregory, Michael; Guinn, Jodi **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 1:30 PM - 3:30 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 5, 2022. LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application. Students must attend a mandatory orientation session on Friday, September 9, 2022 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 children's learning, behavior and relationships in school and about the ongoing multi-strategic advocacy campaign for safe and supportive school environments that is being conducted by the Trauma and Learning Policy Initiative (TLPI), a partnership between HLS and Massachusetts Advocates for Children. There is no final examination for this course; students will prepare a "rounds" memo and presentation in which they lead a discussion with their colleagues based on their 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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Special Education Advocacy for Students Impacted by Trauma

Course #: 2993

Term: 2023SP

Faculty: Gregory, Michael

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Thu 6:00 PM - 8:00 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 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 18, 2022. LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application. Students must attend a mandatory orientation session on Friday, January 27, 2023 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:** 2022FA **Faculty:** Carfagna, Peter **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Thu 1:30 PM - 3:30 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.

More information about the clinic can also be found in the Sports Law Clinic Q&A on the OCP website. Students who are interested in the winter or spring 2023 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."

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

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Sports and the Law: Representing the Professional Athlete

Course #: 2230 **Term:** 2023WI **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.

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.

More information about the clinic can also be found in the Sports Law Clinic Q&A on the OCP website.

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Sports Law Clinic

Course #: 8028 **Term:** 2023WI **Faculty:** Carfagna, Peter **Credits:** 5.00

Type: Clinic **Subject Areas:** Business Organization, Commercial Law, and Finance; 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 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 2022); Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA (fall 2022); Sports and the Law: Representing the Professional Athlete (winter 2023). By Permission: Yes. The deadline to apply is October 12, 2022. Please see below for additional instructions. Add/Drop Deadline: December 2, 2022. 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 12, 2022. 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. More information about the clinic can also be found in the Sports Law Clinic Q&A on the OCP website. 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:** 2023SP **Faculty:** Carfagna, Peter **Credits:** 5.00

Type: Clinic **Subject Areas:** Business Organization, Commercial Law, and Finance; 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 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 2022); Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA (fall 2022); Sports and the Law: Representing the Professional Athlete (winter 2023). By Permission: Yes. The deadline to apply is October 12, 2022. Please see below for additional instructions. Add/Drop Deadline: December 2, 2022. 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 12, 2022. 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. More information about the clinic can also be found in the Sports Law Clinic Q&A on the OCP website. 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: Advanced Contract Drafting

Course #: 2349 **Term:** 2022FA **Faculty:** Carfagna, Peter **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:30 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.

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." More information about the clinic can also be found in the Sports Law Clinic Q&A on the OCP website.

Note: The last class session will be held on TBD.

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Stakeholder Capitalism

Course #: 3117 **Term:** 2022FA **Faculty:** Bebchuk, Lucian; Tallarita, Roberto **Credits:** 1.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 3:45 PM - 5:45 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, corporate governance, or corporate social responsibility 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

There have been growing concerns about the effects that corporations have on their stakeholders - non-shareholder constituencies such as employees, business partners, customers, communities, and the environment. The growth of these concerns has been accompanied by increasing support for stakeholder capitalism - that is, a system in which both corporate leaders and institutional investors would seek to protect the interests of stakeholders and not only those of shareholders. Influenced by such views, many companies have been devoting attention to the adoption of stakeholderist practices, and many institutional investors have been considering how to incorporate ESG considerations into their investment and stewardship decisions.

This course aims at giving students a sense of the issues involved in current debates and practices regarding stakeholder capitalism. The course will meet for 6 two-hour sessions, which will be concentrated during the first two months of the fall semester. Some of the sessions will feature outside speakers offering their perspectives on the subject.

There will be no examination. Instead, students will be asked to submit, before sessions, a brief memo on the assigned readings; grades will be based on these memos (primarily) and on participation in class discussion.

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State Constitutional Law

Course #: 2507 **Term:** 2023WI **Faculty:** 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:** 2023SP **Faculty:** Peskoe, Ari **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 1:30 PM - 3:30 PM

Course Description: Prerequisite: None

Exam Type: No Exam

The course requires two short papers (750 words) 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 end-use consumption. 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: regulating electric utilities, siting infrastructure, facilitating competition, developing renewable energy, producing oil and gas, powering transportation, and legislating/regulating within constitutional constraints.

Statistics for Lawyers

Course #: 2093 **Term:** 2022FA **Faculty:** Goldstein, Rebecca **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**

Thu 10:15 AM - 11:45 AM

Fri 10:15 AM - 11:45 AM

Course Description: Prerequisite: None

Exam Type: Any-Day Take-Home

This course will cover foundational statistical concepts and how they are used in litigation. Statistical methods arise in a wide range of contexts, including tort litigation, civil rights litigation, and commercial litigation. Litigators often work with experts to present statistical evidence in support of their case and to rebut statistical evidence presented by opposing experts. The goal of this course is to provide students with the skills to successfully understand how and when statistical evidence is useful in litigation, and to evaluate the strengths and weakness of different uses of statistical analyses.

Statistical topics covered will include descriptive statistics, probability, causal inference, and regression. No mathematics, statistics, or economics background is necessary, and the course is appropriate for students without prior background in the subject, though students who do have relevant background are of course welcome as well.

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Statutes and Justice

Course #: 3149

Term: 2023SP

Faculty: Rakoff, Todd

Credits: 2.00

Type: Elective

Subject Areas: Government Structure & Function; Legal & Political Theory

Delivery Mode: Seminar

Days and Times:

Location

Wed 3:45 PM - 5:45 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

The principal controversy in modern statutory construction is the debate between purposivists and textualists. But these opponents in fact share many qualities, in particular, the view that what we seek to be are faithful agents of the legislature. In such a quest, general considerations of justice seem irrelevant. By contrast, when we try to solve common law problems, considerations of justice, although not the only considerations, are clearly relevant and sometimes predominate. Can we legitimately apply this aspect of common law reasoning to statutory interpretation? That is the question this seminar proposes to pursue. This is a new seminar. All members of the group will be expected to lead sessions and write papers tackling one aspect or another of the possible use of common law reasoning in interpreting particular statutes.

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Strategic Leadership & Advanced Human Rights Advocacy

Course #: 2399

Term: 2022FA

Faculty: Giannini, Tyler

Credits: 2.00

Type: Elective

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

Delivery Mode: Seminar

Days and Times:

Location

Tue 1:30 PM - 3:30 PM

Course Description:

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

Required Clinic Component: Either the fall International Human Rights Clinic - 3L Leadership Training with Advanced Seminar or the fall Semester in Human Rights Clinic. Students who are accepted into either of these clinics will be enrolled in this required course by the Office of Clinical and Pro Bono Programs.

Additional Pre-Requisites: Prior semester in the International Human Rights Clinic.

By Permission: Yes.

Add/Drop Deadline: June 2022.

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

Placement Site: HLS.

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

Students will explore a variety of strategic considerations that are critical to protecting and promoting human rights, including how to conceptualize and advance human rights agendas that target entrenched, structural challenges; how to mobilize constituencies and collaborate with affected communities to better address power imbalances and ensure sustainable change; and how to develop strategic communication and narratives to maximize impact. Strategic decisions are often integrally tied to ethical questions, and the seminar also examines professional ethics and responsibilities through scenarios based on human rights practitioners's own experiences.

The students will consider and cultivate the leadership skills necessary for a career in human rights. As part of this leadership development, students are expected to take ownership over their learning in the seminar and to practice their style of leadership within our human rights community. We will discuss various aspects of leadership, including decision-making, backlash, resource mobilization, and concepts such as thought leadership and how identity, including issues of intersectionality, interact with leadership. Students will be encouraged to experiment with different leadership models and to explore the challenges that arise when taking on leadership and making difficult decisions.

Students will work to determine their learning priorities and will develop a tailored individual or team project through which they can examine an area related to their leadership interests. Recent student projects have focused on enhancing human rights in the United States, improving op-ed writing and storytelling, dealing with trauma and creating more sustainable lawyering practices, advancing disability rights, developing strategic and tactical mapping for human rights campaigns, exploring ethical dilemmas arising in fact-finding and interviewing, and bringing community-based participatory action and research to the human rights context.

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Strategic Litigation and Immigration Advocacy

Course #: 3018

Term: 2023SP

Faculty: Ardalan, Sabrineh; Torrey, Philip

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:

Location

Tue 10:15 AM - 12:15 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 refused 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.

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Supreme Court and Appellate Advocacy Workshop

Course #: 3014 **Term:** 2022FA **Faculty:** Halligan, Caitlin; Dreeben, Michael **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 1:30 PM - 3:30 PM

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

Prerequisites: By Permission. Interested students should send a resume and a brief statement describing their interest in the course and in appellate advocacy to Jane Reader (jreader@law.harvard.edu). JD and LLM Deadline: June 18th. Transfer deadline: August 9th

Exam Type: No Exam

Grading will be based on class participation and guided writing exercises.

This course will focus on the art and practice of Supreme Court and appellate advocacy through a classroom-workshop approach. The course will offer a comprehensive overview of appellate advocacy covering matters such as how to define the issues for appeal; the process of seeking discretionary review in an appellate court; how to draft persuasive briefs; and how to prepare for and deliver an effective oral argument. It will also introduce students to pathways to a career as an appellate advocate. The class will focus on the federal appellate system, with a particular emphasis on the Supreme Court, but the skills covered in the course can be applied in any appellate court. The writing and advocacy exercises will draw from actual cases involving cutting-edge legal issues - such as cases involving the First Amendment, the separation of powers, criminal procedure, or complex jurisdictional questions. This will allow class members to grapple with inherently interesting substantive questions on an array of topics as they develop their advocacy skills.

The centerpiece of the class experience will be interactive writing and oral advocacy exercises. The course will employ a writers workshop approach that builds advocacy skills through the sharing of work product and crowd-sourcing of feedback. Each class session will target a discrete aspect of appellate practice, broken down into its essential components. To make the learning experience concrete, we will provide an overview of the topic for the day (for example, the purpose of the "questions presented" section of a brief and the options for crafting those questions), and students will participate in guided writing or oral advocacy exercises designed to hone particular skills. Students will also participate in moot courts as both advocates and judges. The course is designed for students who are interested in developing their talents in appellate advocacy through participatory exercises in a collaborative, supportive environment. It is also ideal for students planning to serve as judicial law clerks

In addition to focusing on written and oral appellate advocacy, the course will also offer guidance on other aspects of litigating an appeal, such as learning the rules of appellate procedure, working with the Solicitor Generals Office, and working with potential amici. Some sessions may feature guest speakers with expertise in appellate advocacy who can offer insight drawn from experience. Appellate advocacy is an art form that can only be perfected through practice and observation of master practitioners. This course will offer students a window into how virtuoso appellate lawyers learned their vocation and how they carry it out.

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Systemic Advocacy for Safe and Supportive Schools

Course #: 2774 **Term:** 2023SP **Faculty:** Gregory, Michael **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 1:30 PM - 3:30 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 18, 2022. LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
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 2 and March 9). The course will meet on the following dates and times:

Tue, Jan 24, 8 - 10am*

Thu, Jan 26, 1:45 – 3:45 pm

Tue, Jan 31, 8 - 10 am*

Thu, Feb 2, 1:45 – 3:45 pm

Thu, Feb 9, 1:45 – 3:45 pm

Thu, Feb 16, 1:45 – 3:45 pm

Thu, Feb 23, 1:45 – 3:45 pm

Thu, Mar 23, 1:45 – 3:45 pm

Thu, Mar 30, 1:45 – 3:45 pm

Thu, Apr 6, 1:45 – 3:45 pm

Thu, Apr 13, 1:45 – 3:45 pm

Thu, Apr 20, 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 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

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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.

Tax Law, Finance, and Strategic Planning

Course #: 2806

Term: 2022FA

Faculty: Brennan, Thomas

Credits: 2.00

Type: Elective

Subject Areas: Regulatory Law; Taxation

Delivery Mode: Seminar

Days and Times:

Location

Wed 6:00 PM - 8:00 PM

Course Description:

Prerequisite: Taxation

Exam Type: No Exam

This course develops tools for understanding and evaluating the effect tax laws have on strategic planning in both business and personal contexts. The perspective taken is generally that of financial economics, with cash flows resulting from transactions being viewed as items which are subject to valuation using asset pricing techniques. This approach allows for a precise understanding of where the value in a transaction comes from and how careful tax planning can help maximize this value. Consideration is also given to policy responses to strategic planning.

No advanced coursework in finance is assumed, but a variety of concepts are introduced in the course, and students are expected to learn how to use them effectively in the context of arriving at optimal tax strategies. Techniques covered include present value analysis, the use of payoff diagrams, option pricing using simple models and the Black-Scholes formula, and, as time permits, application of tax strategies to data sets based on historical and simulated financial data.

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Taxation

Course #: 2234 **Term:** 2022FA **Faculty:** Brennan, Thomas **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

Course Description: Prerequisites: None

Exam Type: In Class

This course is an introductory study of federal income taxation covering inclusion and exclusion of items in computing gross income; deductions from gross income; accounting and timing considerations; capital gains and losses; and the treatment of the family and gifts. Consideration will be given to the interaction of the legislative, executive, and judicial roles in the making, administering, and interpreting of the tax law; to the goals of the tax law and possibilities for future development of it; to the strategic behavior of taxpayers in response to the tax law; and to the impact of the tax law on private property transfers and other transactions. A principal goal of this course is also to teach students to analyze and apply a complex federal statute.

Unless waived by the instructor, Taxation is generally a pre-requisite for J.D. students in the advanced tax courses.

Taxation

Course #: 2234 **Term:** 2023SP **Faculty:** Warren, Alvin **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Wed 8:15 AM - 9:40 AM

Thu 8:15 AM - 9:40 AM

Fri 8:15 AM - 9:40 AM

Course Description: Prerequisite: None

Exam Type: In Class

This course focuses on the U.S. federal income tax and the policy considerations that inform the design of the tax, which has become an important governmental tool for influencing many aspects of modern American life. The course accordingly examines not only the concept of taxable income, but also how the federal government uses the tax to influence the behavior of taxpayers, whether wealthy (e.g., the capital gains preference), middle-income (the education credits) or lower-income (the earned income credit). A principal goal of this course is also to teach students to analyze and apply a complex federal statute.

Unless waived by the instructor, Taxation is generally a prerequisite for J.D. students in the advanced tax courses.

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Taxation

Course #: 2234 **Term:** 2022FA **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 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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 of Business Corporations

Course #: 2274 **Term:** 2023SP **Faculty:** Brennan, Thomas **Credits:** 4.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

Course Description: Prerequisite: Taxation
Exam Type: In Class
This course covers the major tax law and policy issues involved in the organization, operation, and restructuring of U.S. corporations, including the tax treatment of corporate shareholders. The course provides the tax background necessary for understanding and participating in the creation of many types of business transactions of both publicly and closely held enterprises, including acquisitions, liquidations, mergers, and divisions. In the U.S., the structure of these major corporate transactions is very heavily influenced by the applicable tax provisions.

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The Conduct of Life in Western and Eastern Philosophy

Course #: 2392 **Term:** 2023SP **Faculty:** Unger, Roberto Mangabeira **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

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 and the First Congress

Course #: 3158 **Term:** 2023SP **Faculty:** Campbell, Jud **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 6:00 PM - 8:00 PM

Course Description: Prerequisite: None
Exam Type: No Exam

Starting in 1789, Congress took the lead in shaping the federal Constitution. Controversies emerged over structuring the executive and judicial branches, assuming state war debts, considering anti-slavery petitions, creating the First Bank, passing the Bill of Rights, and more. In debating these issues, members of the First Congress created lasting precedents and shaped the parameters of constitutional discourse—embracing certain ways of seeing the new Constitution, while diminishing or discarding others. In this 1-credit Reading Group, we will read selections of congressional debates, along with scholarly commentary, and will consider the lasting importance of what happened in the First Congress.

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

The Constitution in American History

Course #: 3173 **Term:** 2023SP **Faculty:** Mack, Kenneth; Lepore, Jill **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 6:00 PM - 8:00 PM

Course Description: Prerequisite: None
Exam Type: No Exam

This seminar will examine the political and legal history of the U.S. Constitution, with an eye toward considering how ordinary people have fought to participate in the acts of constitutional amendment and interpretation. Readings will focus on constitutional conventions, alternative constitutions, constitutional amendments, U.S. Supreme Court cases, and the constitutional objectives of political movements, across history, and across the political spectrum.

Note: This seminar will be jointly listed with the FAS History department, listed as History 2473.

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The Corporation as a Citizen

Course #: 2431 **Term:** 2022FA **Faculty:** Holston, Mike; Dimitrief, Alex **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 6:00 PM - 8:00 PM

Course Description: Prerequisite: None
Exam Type: No Exam

What is the role of the corporation in the world today? This course will examine the purpose(s) of a corporation, revisit the long-running debate between shareholder primacy and stakeholder governance and consider the obligations that corporations arguably owe to a broad array of stakeholders (e.g., investors, activists, employees, suppliers, creditors, communities and governments). We will also examine the roles that corporations play in several key areas in the United States and abroad, including organizational integrity, public policy, the political process, social issues and data privacy. The class will navigate these issues through case studies drawn from the headlines and also feature guest lecturers from leading companies who are experienced in these areas. Short papers will be periodically required over the course of the semester.

The Crisis Facing Democracy

Course #: 3168 **Term:** 2023SP **Faculty:** Fontana, David **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisite: None
Exam Type: No Exam

This reading group will examine contemporary challenges facing American democracy. Each week will consider a different challenge facing American democracy. The first part of each class will feature our diagnosis of this problem, and the second part of each class will feature our prognosis of what to do about this problem moving forward. We will consider these challenges to democracy through the lens of scholars studying democracy in theory in the academy and the lens of those trying to protect democracy in practice on the ground. We will also consider these challenges facing the United States from a global perspective, considering how similar challenges have arisen and been considered in other countries.

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

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The Effects of Mass Incarceration: Experiences of Prison and Parole

Course #: 2624 **Term:** 2023SP **Faculty:** Umunna, Dehlia **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Mon 3:45 PM - 5:45 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.

The Ethics and Governance of Artificial Intelligence

Course #: 2728 **Term:** 2022FA **Faculty:** Zittrain, Jonathan **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisites: None
Exam Type: No Exam

This reading group will examine key readings and projects surrounding the ethics and governance of the opaque complex adaptive systems that are increasingly in public and private use. We will range among the proliferation of algorithmic decisionmaking, autonomous systems, and machine learning and explanation; the search for balance between regulation and innovation; and the effects of AI on the dissemination of information, along with questions related to individual rights, discrimination, and architectures of control.

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

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The International Law of the Sea

Course #: 2958

Term: 2023SP

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 4:15 PM - 7:30 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 Judicial Role in a Democracy Workshop

Course #: 3141

Term: 2022FA

Faculty: Abella, Rosalie Silberman

Credits: 2.00

Type: Elective

Subject Areas: Government Structure & Function; Legal & Political Theory; Legal History; Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Wed 1:30 PM - 3:30 PM

Thu 1:30 PM - 3:30 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

In modern constitutional democracies, supreme court judges assume a role that entangles them in many of the most contentious political and legal issues of the day. What exactly is the nature of that role? What purposes does it serve and what constrains it? How can judges most effectively play their role as guardians of the constitutional order? This course will address these themes, which arise in constitutional democracies across the globe.

In addressing these questions, students will engage with legal theory and will draw on subjects that supreme courts are inevitably called upon to consider, such as freedom of association, expression and religion, as well as labor relations, privacy, and equality. Finally, they will address topical issues such as the intersections between gender, sexuality, race, the family, technology and the law.

Note: This seminar will meet over six weeks, beginning in October 12, 2022.

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The Jurisprudence of Excellence

Course #: 3087

Term: 2023SP

Faculty: Brewer, Scott

Credits: 2.00

Type: Elective

Subject Areas: Legal & Political Theory

Delivery Mode: Seminar

Days and Times:

Location

Tue 6:00 PM - 8:00 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: 2022FA

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 3:45 PM - 5:45 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 meet on the following dates: TBD.

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The Power of Alignment: Where the Business World is Going and How Negotiators Can Shape the Deals Being Done

Course #: 3179 **Term:** 2022FA **Faculty:** Thorne, Christopher **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 5:00 PM - 8:00 PM

Course Description: Prerequisites: For JD students, you must have completed Mediation or the Negotiation Workshop previously. There are no prerequisites for LLM students.

Exam Type: No Exam
A final paper is required.

This seminar will explore the concept of Alignment in the context of how dealmakers, financiers, and legal practitioners are shaping new asset classes that will change the future of our society. As we explore these topics, we will seek to understand the concept of Alignment, and how creative uses of Alignment are being applied as a core lever for creating and capturing value, mitigating risk, or changing the game. While Agreements are well-studied, little research has been devoted to understanding the concept of Alignment, how the two are different, and how skills at crafting Alignment can be among the most powerful tools for enabling your clients to mitigate risk and to unlock extraordinary value in their organizations, business transactions, and investments. We will invite featured guest speakers - industry experts, corporate leaders, and legal practitioners - to join many of our class discussions as we explore these topics.

What This Course Is About: Understanding the Concept of Alignment as a Core Theme in the World of Business

Stakeholder Capitalism and the ESG Movement: How can they be Compatible with a Fiduciary Obligation to Shareholders?

Loonshots: Why Well-Established Companies Fail to Innovate...and How Legal Frameworks May Provide Part of the Solution

Digital Currencies, NFTs, and the Evolution of Money: Legal Implications of Decentralized Finance

The Role of Law in Artificial Intelligence (AI) and Big Data

Agreement vs. Alignment: Lessons Learned by Some of the World's Most Creative Dealmakers

Note: This seminar will meet for the first eight weeks of the term.

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The Role of the Article III Judge

Course #: 2016 **Term:** 2023WI **Faculty:** Griffith, Thomas **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 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: Prerequisites: 1L Constitutional Law, Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment, or Constitutional Law: First Amendment

Exam Type: No Exam

The contemporary debate over the proper role of a federal judge under the Constitution turns, in large measure, on what it is we think an Article III judge is doing when she is called upon to resolve a "case or controversy." Is she looking for the fair result? If so, by whose lights? Is she a political actor, or is she instead looking for a rule of decision that has been previously established by law (a "mere translator" of the law, in Justice Frankfurter's words). If so, by natural law or positive law? These are some of the questions we will consider in discussing what role a federal judge plays when she exercises "the judicial Power of the United States" conferred by Article III of the Constitution.

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

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The Role of the State Attorney General

Course #: 2237 **Term:** 2022FA **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 1:30 PM - 3:30 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 12, 2022 for fall students; August 26, 2022 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.

Exam Type: One-Day Take-Home

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 Role of the State Attorney General

Course #: 2237

Term: 2023SP

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 1:30 PM - 3:30 PM

Course Description: Prerequisite: None

Exam Type: Any Day Take-Home. Also with paper option by permission.

The role of state attorneys general has dramatically expanded as these elected officials and their staff have become increasingly important actors in American jurisprudence. They continue to make their mark in consumer protection, antitrust, civil rights, education, immigration, labor law, political corruption and environmental protection even as they tender daily legal advice that impacts the workings of state government. Working alone or in combination with or opposed to the federal government, their colleagues in other states or with businesses, unions and interest groups, the attorneys general are now major players in American jurisprudence.

This class is not open to students who are taking/have taken the Attorney General Clinic.

Note: This offering does not count towards Experiential Learning credits.

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Theories About Law

Course #: 2319

Term: 2022FA

Faculty: Sargentich, Lewis

Credits: 2.00

Type: Elective

Subject Areas: Legal & Political Theory

Delivery Mode: Course

Days and Times:

Location

Tue 1:30 PM - 3:30 PM

Course Description:

Prerequisites: None

Exam Type: No Exam

There will be two short papers in lieu of an examination. One will be assigned midway through the course and the other at the end.

This course begins with a survey of positions in American legal thought, from the time of the Legal Realists to the contemporary period. Then the course looks at law from the standpoint of a number of larger theories, considering law in relation to social theory, literary understanding, moral psychology, and the critique of liberalism. The last two sessions ask how law might go forward on premises of critical jurisprudence.

Readings are selected as exemplary texts, displaying core theoretical positions. After the initial survey, each session restricts its focus to a close look at basic ideas of one or two major theorists.

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Tibet and China

Course #: 3182

Term: 2022FA

Faculty: Sangay, Lobsang

Credits: 1.00

Type: Elective

Subject Areas: International, Comparative & Foreign Law

Delivery Mode: Reading Group

Days and Times:

Location

Wed 3:45 PM - 5:45 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

This Reading Group will focus on the question of and solutions for Tibet. It will look at the historical status of Tibet and the current situation of the Tibetan people. The class will examine the guarantees and practices of national minority rights under the Constitution of the People's Republic of China in light of international human rights standards. Do China's guarantees respecting national minority rights meet international standards regarding the right to self-determination or the protection of minorities. Might reference to the rights of indigenous people be helpful? The approach of the seminar will be to interrogate the best ways to address these issues and find solutions. We will look at the evolution and major changes in the stand of the Dalai Lama from seeking independence, to what he has described as a zone of peace for Tibet, and finally to "genuine autonomy for Tibetan people" within the framework of the Constitution of the PRC. His efforts have included nine rounds of dialogue between envoys of the Dalai Lama and the PRC government. We will also explore comparative issues of Hong Kong and Xinjiang to understand PRC approaches toward regional autonomy. The Reading Group will also explore the unique approach of the Dalai Lama in developing a democratic polity in exile, as well as complex religious issues relating to reincarnation and religious freedom. Finally, we will examine the US Tibetan Policy and Support Act of 2020 to understand the role of the US government in respect of political, diplomatic and legal obligations relating to Tibet and its people.

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

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Title IX x #MeToo

Course #: 3175 **Term:** 2023SP **Faculty:** Halley, Janet **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Tue 6:00 PM - 8:00 PM

Course Description: Prerequisites: None
Exam Type: No Exam

This seminar will examine the highly contested processes for assigning responsibility for sexual harassment and other sexual misconduct in institutions of higher education that must comply with Title IX. We will study student and faculty discipline generally, the exceptional treatment of sexual misconduct under Department of Education guidance and subsequent regulation, recent moves to add restorative justice to the procedural options, and the tense relationship between confidentiality and non-retaliation policies on one hand and publicity in the #MeToo era on the other. Our attention will primarily focus on procedure, including, for #MeToo events, journalistic standards from the New York Times to Twitter. Students will write a series of short papers, with feedback and subsequent revisions: improving one's writing will be a positive goal of the seminar.

Title IX: Sports, Sex and Equality on Campus

Course #: 2242 **Term:** 2023SP **Faculty:** Rosenfeld, Diane **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**

Tue 10:15 AM - 11:45 AM

Wed 10:15 AM - 11:45 AM

Course Description: Prerequisite: None

Exam Type: No Exam

Title IX guarantees students the right to equal access to educational opportunities. In this seminar, we consider Title IX from legal policy, jurisprudential and social justice perspectives. We consider the role of various social and political forces on Title IXs interpretation and enforcement, and how it has become the site of contested notions of students rights regarding sexual assault on campus. Students can expect to learn about litigation strategies, effective advocacy campaigns and the art of law in action.

The course analyzes schools obligation to prevent, respond to, and resolve cases of sexual misconduct. We consider questions including: how do we create cultures of sexual respect on campus? What role can schools play to address most effectively the persistent problem of underreporting? How should schools design their resolution systems to provide justice and fair process for all parties? These questions will be considered in the current context of the Biden Administrations efforts to restore protections for victims and survivors after the previous administrations passing of a Final Rule on Title IX that narrowed the protections afforded by the Title IX civil rights regime.

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Trademark and Unfair Competition

Course #: 2462

Term: 2023SP

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 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 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: 2022FA

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 3:45 PM - 5:45 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 12, 2022.

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:** 2023SP **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 3:45 PM - 5:45 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 2, 2022.
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:** 2023SP **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 2, 2022.
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:** 2022FA **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 12, 2022.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: 2022FA

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 1:30 PM - 3:30 PM

Tue 1:30 PM - 3:30 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 over the first seven weeks of the term.

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Trial Advocacy Workshop

Course #: 2249 **Term:** 2022FA **Faculty:** Sullivan, Ronald **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Course Description: Students who enroll in this 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 August 12, 2022

Please note: There will be a mandatory meeting on Wednesday, April 20th at 12:00 p.m. in Ames Courtroom for all students enrolled in the Fall 2022 Trial Advocacy Workshop.

The Fall Trial Advocacy Workshop (TAW) is an intensive course in trial analysis, skills, and techniques taught complete in three weeks. More detailed descriptions of the organization and content of the Workshop program appear below. The Workshop is a required component of ITA: Prosecution Perspectives, and Criminal Justice Institute: Defense Theory and Practice. The course is graded Credit/Fail. Any questions pertaining to the Workshop should be directed to Professor Ronald Sullivan: rsullivan@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 Ronald Sullivan rsullivan@law.harvard.edu and Kekely Dansouh: kdansouh@law.harvard.edu.

The Fall Trial Advocacy Workshop will take place beginning Tuesday, September 6, 2022, to Friday, September 23, 2022 (there is no class on Monday, September 5, 2022 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:

1. 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.

2. 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.

3. 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.

4. Students will participate in two full trials as members of a team of students trying the case. Trial time will include two to four hours of pretrial conferences and five to eight hours of trial performance and critique for each trial. Students will also be expected to serve as witnesses in two additional trials.

Texts: Murray, *Basic Trial Advocacy* (required), plus multilithed materials and case files.

This course has an early drop deadline of August 12, 2022.

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Trial Advocacy Workshop

Course #: 2249 **Term:** 2023WI **Faculty:** Sullivan, Ronald **Credits:** 3.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 2:00 PM - 9:00 PM

Tue 2:00 PM - 9:00 PM

Wed 2:00 PM - 9:00 PM

Thu 2:00 PM - 9:00 PM

Fri 2:00 PM - 9:00 PM

Course Description: Students who enroll in this offering may count the credits towards the JD experiential learning requirement.
Prerequisite: For JD students there are no formal prerequisites, although familiarity with the rules of evidence is assumed throughout the course. For LLM students, permission of the instructor is required.

Exam Type: No Exam

Early drop deadline: August 19, 2022

Please note: There will be a mandatory meeting at a date to be announced near the end of the Fall Semester for all students enrolled in the Winter 2023 Trial Advocacy Workshop.

Please note: The mock cases in TAW derive from actual courtroom cases. Some of the issues in the cases may include, without limitation, allegations of adultery, alcoholism, assault, assault on a police officer, homicide, racial profiling/bias, and police assault of a civilian. If any of the foregoing issues present a problem in taking the course, feel free to reach out to Prof. Sullivan to discuss.

The Winter Trial Advocacy Workshop (TAW) is an intensive course in trial analysis, skills, and techniques taught complete in three weeks. More detailed descriptions of the organization and content of the Workshop program appear below. The Workshop is a required component of ITA: Prosecution Perspectives, and Criminal Justice Institute: Defense Theory and Practice. The course is graded Credit/Fail. Any questions pertaining to the Workshop should be directed to Professor Ronald Sullivan: rsullivan@law.harvard.edu and to Kekely Dansouh: kdansouh@law.harvard.edu.

Although this course is graded credit/fail, attendance is required at all course exercises including the evening programs, and absence requires approval from the Program Director.

Course days and hours: Course days and hours: Monday through Friday, 2:00 p.m. to 9:00 p.m. (Class will not be held on and Monday, January 16, 2023, due to the Martin Luther King, Jr. Holiday).

The Winter Trial Advocacy Workshop will take place from Tuesday, January 3, 2023, to Friday, January 20, 2023. 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

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performances are also video-recorded and individually critiqued. Each student will take part in one full simulated non-jury trial, which is systematically critiqued by trial advisors and judges.

The Winter Trial Advocacy Workshop requires intensive study, preparation, and activity. The program is structured as follows:

1. 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.
2. Students will have opportunities, individually or in groups, for detailed review or critique of video-recordings of their own and each other's performances. One or more members of the teaching team will be available at scheduled hours to participate in this review.
3. Following each day's classroom exercises, the students are invited to supper with the faculty, which consists of experienced judges and lawyers, and are required to attend an evening lecture-demonstration from 7:00 p.m. to 9:00 p.m. each evening.
4. A similar schedule is followed for the first two days of the second week of the workshop. Wednesday of the second week is a trial preparation day. Simulated non-jury trials take place on the last two days of the week. Each student participates in one non-jury trial as a lawyer and in one as a witness.
5. The first two days of the third week of the workshop follow the same classroom schedule as the first week. On Thursday and Friday of the third week of the workshop, participants conduct simulated jury trials in state and federal courthouses.

Text: Murray, Basic Trial Advocacy, plus multilithed materials and case files.

This course has an early drop deadline of August 19, 2022

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Trusts and Estates

Course #: 2250

Term: 2022FA

Faculty: Sitkoff, Robert

Credits: 4.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance; Family, Gender & Children's Law; Regulatory Law; Taxation

Delivery Mode: Course

Days and Times:

Location

Mon 10:15 AM - 12:15 PM

Tue 10:15 AM - 12:15 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:** 2023SP **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**

Mon 10:15 AM - 12:15 PM

Tue 10:15 AM - 12:15 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, 2023.

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: 2022FA

Faculty: Fried, Jesse

Credits: 3.00

Type: Elective

Subject Areas: Business Organization, Commercial Law, and Finance

Delivery Mode: Course

Days and Times:

Location

Wed 1:30 PM - 3:00 PM

Thu 1:30 PM - 3:00 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.

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Veterans Law and Disability Benefits Clinic

Course #: 8039 **Term:** 2023SP **Faculty:** Nagin, Daniel **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this 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 the Veterans Law and Disability Benefits Clinical Seminar (2 spring classroom credits) OR Poverty Law Workshop: A Toolkit for Addressing Inequity & Homelessness (2 spring classroom credits). Students who enroll in spring 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: December 2, 2022.
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 between 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.

[Update: Please note that the Clinic also has an Estate Planning Project, but during the Academic Year 22-23 the Clinic will not be placing students in the Estate Planning Project. However, Academic Year 22-23 students who have an interest in estate planning matters are encouraged to note their interest and may be able to be exposed to some portions of that practice in combination with our other Projects.]

For more information on LSC, this Clinic, our docket, and student learning opportunities, please visit: <https://www.legalservicescenter.org/students-clinics/veterans-legal-clinic>

This Clinic is part of the WilmerHale Legal Services Center (LSC), a general practice community law office in

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Veterans Law and Disability Benefits Clinic

Course #: 8039 **Term:** 2022FA **Faculty:** Nagin, Daniel **Credits:** 5.00

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

Delivery Mode: Clinic

Days and Times: **Location**

Course Description: Students who enroll in this 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 the Veterans Law and Disability Benefits Clinical Seminar (2 fall classroom credits) OR Poverty Law Workshop: A Toolkit for Addressing Inequity & Homelessness (2 fall classroom credits). Students who enroll in this 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 12, 2022.
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 between 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 Clinical Seminar

Course #: 2520 **Term:** 2023SP **Faculty:** Nagin, Daniel; Gwin, Elizabeth **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 1:30 PM - 3:30 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).
Students who enroll in the 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: December 2, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
This Clinical Seminar is a 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 between two 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 Clinics 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:** 2022FA **Faculty:** Nagin, Daniel; 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 1:30 PM - 3:30 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 fall clinical credits). Students who enroll in the 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 12, 2022.
LLM Students: LLM students may apply to the clinic through the LLM General Clinic Application.
This Clinical Seminar is a 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.
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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 Clinics 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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Warren Center Research Seminar: Capitalism's Hardwiring: Money, Credit, and Finance in a Globalizing World

Course #: 3143 **Term:** 2022FS **Faculty:** Desan, Christine; Mack, Kenneth **Credits:** 2.00

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

Delivery Mode: Seminar

Days and Times: **Location**

Thu 1:30 PM - 3:30 PM

Course Description: Prerequisite: Students who wish to enroll should have taken a course in either monetary law, financial regulation, or the history of economic regulation; participation is otherwise by permission of the instructors.

Exam Type: No Exam

This year-long seminar takes capitalism's monetary hardwiring as its subject. Twice within the last two decades, the United States has kicked the monetary apparatus that formats its economy into crisis gear. Each time, the government leapt to rescue a financial infrastructure that had grown indispensable to modern markets even as it escaped the mooring of the real economy. The crises we experience immediately expose a system fashioned over centuries. In the seminar, we will explore capitalism's hardwiring, defined broadly to include those architectures of finance and credit that today so profoundly shape material distribution, political voice, and disciplinary knowledge. The seminar will focus on the United States but locate that experience as part of a global drama, one that travels from the domestic law on bank liabilities to the geography of the Gold Standard, from the human tragedy of slave mortgages to the disembodied dynamics of foreign exchange markets, and from the parochial assumptions of theorists to the universalizing abstractions of their theory.

The seminar will run biweekly during the Fall 2022 and Spring 2023 semesters. Law students have the option to write research papers that satisfy Option 1 of the JD Written Work Requirement, in conjunction with the seminar. Cross-registrants are encouraged to apply. After a set of introductory meetings, seminar sessions will be structured around the scholarly projects of faculty fellows and student participants.

This seminar is cross-listed with the Faculty of Arts and Sciences and is offered in conjunction with the annual workshop sponsored by the Charles Warren Center for Studies in American History. In addition to law students, participants will include graduate students, Warren Center fellows, and guest speakers.

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Water Law

Course #: 2292 **Term:** 2022FA **Faculty:** Salzman, James **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Tue 1:30 PM - 3:30 PM

Course Description: Prerequisites: None

Exam Type: In Class

Course coverage includes: origin, development, and current status of prior appropriation and riparian water law systems; ground water controls; U.S. water pollution control law; the public trust doctrine; federal/state relations in water use regulation and delivery; and interstate allocations. Indian and other federally reserved water rights are also covered.

What should we believe?

Course #: 3159 **Term:** 2022FA **Faculty:** Hellman, Deborah **Credits:** 1.00

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

Delivery Mode: Reading Group

Days and Times: **Location**

Tue 6:00 PM - 8:00 PM

Course Description: Prerequisite: None
Exam Type: No Exam

Common sense would suggest that we should believe what the evidence shows? If the evidence shows that my friend did something bad, then I should believe that she did something bad. But am I a bad friend if I do? In other words, do moral obligations affect what we should believe? And can we wrong people by believing certain things about them? For example, do racist or sexist beliefs wrong others, or do we only wrong others when we act on these beliefs? Conversely, do we act wrongly by failing to believe the testimony of people because others like them have been doubted in the past? Think here of the Me Too movement's insistence that one should: Believe Women. How should we understand that command and is it justified? The reading in this class will be philosophical but we will relate that reading to current controversies.

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

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When to Talk and When to Fight

Course #: 3180

Term: 2022FA

Faculty: Heen, Sheila; Subar, Rebecca

Credits: 1.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Reading Group

Days and Times:

Location

Mon 3:45 PM - 6:45 PM

Course Description:

Prerequisite: None

Exam Type: No Exam

By definition, equality and justice underscore our legal system. We face questions like: How do we apply the law to all cases equally? What makes enforcement practices fair? How do a given company's practices impact its employees, the community, or the sustainability of the planet? Beyond the application of law, legal practice is laced-explicitly and implicitly-with questions of social change: Who is served by the status quo or a new legal precedent? What is the role of a lawyer in upholding, reforming, or challenging our current legal system? Under what circumstances would a lawyer choose to be a conscientious objector to participating in the legal system, or to choose to participate in civil disobedience?

In this course we will explore frameworks for lawyers to make sound strategic choices about questions like these. Specifically, we engage with the strategic question of when to talk and when to fight. You may find yourself exercising your BATNA, whether through protest, strike, talking with the media, or allying with citizen lobbies, even as you come to the table to discuss settlement or pursue back-channel negotiation. We will explore these boundaries, focusing on moments of choice about how to walk the line between joint, consensual problem resolution and unilateral, non-consensual power-building. Participants will read about and debate ways lawyers do, and can, influence change in complex organizations and in society.

Note: This reading group will meet for four, three-hour sessions on the following dates: September 19, October 3, October 24, and November 7.

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White Collar Criminal Law and Procedure

Course #: 2254

Term: 2023SP

Faculty: Apps, Antonia

Credits: 2.00

Type: Elective

Subject Areas: Criminal Law & Procedure

Delivery Mode: Course

Days and Times:

Location

Tue 3:45 PM - 5:45 PM

Course Description: Prerequisite: None

Exam Type Last Class Take-Home

The past several years have seen a number of significant developments in white collar criminal prosecutions. The Department of Justice recently announced a renewed focus on white collar criminal enforcement, allocating additional resources to investigating and prosecuting corporate crime and holding individuals engaged in corporate misconduct accountable. White collar criminal prosecutions present difficult ethical issues for prosecutors and defense attorneys, and there have been significant developments numerous areas of white collar covered by this course, 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 government's use of corporate resolutions to enhance compliance measures at companies; (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, public corruption, and cybercrime, 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.

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Wildlife Law

Course #: 2829 **Term:** 2022FA **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 10:15 AM - 12:15 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.

Workshop on Law and Political Economy

Course #: 3133 **Term:** 2023SP **Faculty:** Benkler, Yochai **Credits:** 2.00

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

Delivery Mode: Course

Days and Times: **Location**

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisite: None

Exam Type: No Exam

This workshop is devoted to reading and discussing new scholarly work on law and political economy. Outside speakers and members of the Harvard faculty will present forthcoming papers or recent work, both theoretical and programmatic, on the role of law in structuring social relations, power, and justice in market society. Students will be required to submit short comments on papers presented over the course of the semester, to be submitted in advance of the presentations. Students who choose to do so may add a third credit for writing a substantial paper on a topic approved by the faculty teaching the workshop that semester.

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Writing about the Law for General Audiences

Course #: 2735

Term: 2023SP

Faculty: Wittes, Benjamin

Credits: 2.00

Type: Elective

Subject Areas: Procedure & Practice

Delivery Mode: Seminar

Days and Times:

Location

Mon 3:45 PM - 5:45 PM

Course Description: Prerequisites: None

Exam Type: No Exam

This workshop will explore the process and many forms of writing about law for non-specialist audiences. From the blog post to the oped to the magazine feature article to the long-form argument, the class will offer a practical introduction to general interest legal writing.

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Youth, Privacy, and Digital Citizenship

Course #: 3065

Term: 2022FA

Faculty: Plunkett, Leah

Credits: 1.00

Type: Elective

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

Delivery Mode: Reading Group

Days and Times:

Location

Wed 3:45 PM - 5:45 PM

Course Description: Prerequisites: None

Exam Type: No Exam

In spring 2020-spring 2021, the United States ran a nationwide, real-time, high-stakes experiment to see what happened when you put digital educational and related technologies into the home environments of almost every young person in the country. Even before this emergency immersion into remote learning for primary and secondary schools, kids and teens were at the vanguard of the twenty-first century transformation toward living networked lives within networked institutions. Childrens and adolescents openness to and facility with new and emerging digital technologies creates a sense of community that transcends physical and other traditional institutional boundaries, as well as a sense of self that is highly individualized. For instance, a child in a remote rural American town could play Minecraft with like-minded peers the world over and become Internet famous for their YouTube videos of local cows dressed up as Minecraft denizens. They could also become inspired by social justice activism on Twitter and be the first person in town to put up a “Black Lives Matter” banner. The potential for new connections and new forms of self-expression both online and off are essentially endless—as are the accompanying questions about whether and how state and federal laws, regulations, and other institutional policies, norms, and values interact with youth data privacy and other components of youth digital citizenship. For instance, what happens to our hypothetical child if they are arrested for hanging their banner on government property without a permit, and local law enforcement wants to search their social media accounts? This reading group will look at youth digital privacy and digital citizenship more broadly in the context of three primary institutions: (1) learning ecosystems, with a focus on the recent mode of pandemic operation in K-12 public and private schools; (2) the justice system (including school disciplinary proceedings, interactions with law enforcement, and court proceedings); and (3) family units (including nuclear, extended, foster, group home, institutional, and homeless configurations). The group will identify, analyze, and challenge the laws, regulations, policies, practices, and norms that enable or constrain the development of youth data privacy and digital citizenship through diverse readings and dynamic discussion of these cutting-edge topics.

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