

# CONSTITUTIONAL AND PUBLIC LAW (CONPUB)

While every effort is made to ensure course lists are accurate, change is inevitable and courses may show alternate program restrictions at the time of scheduling. Courses used to satisfy graduation requirements must be designated as such at the time of registration. Not all courses are offered each year.

**CONPUB 500 Constitutional Law (3 Credit Hours)** This course will provide an introduction to federal constitutional law and constitutional theory. Topics to be covered include the theory and practice of judicial review, including approaches to constitutional interpretation; separation of powers, with emphases on congressional powers and the reserved powers of the states; and, as time permits, an introduction to the Fourteenth Amendment's equal protection and due process guarantees. Evaluation: Final Examination Teaching Method: Lecture and discussion Prerequisites: None. Required, first year course.

**CONPUB 555 Constitutional Law (Intellectual Property Program) (3 Credit Hours)** In this course we will examine the structure of the American Legal system. Topics to be covered include: Foundations of the Legal System, including common law, the US Constitution, statutes and codification; Structures of American Law, including legislative, executive and judicial branches.

**CONPUB 600 Administrative Law (3 Credit Hours)** This course is a general introduction to the legal problems of the administrative process. Topics of study in this section include the constitutional framework within which federal agencies operate, statutory and constitutional constraints on agency procedures, the role of administrative discretion in the development of public policy, and the methods and scope of judicial review of agency decisions. Heavy emphasis is placed throughout on the role of agencies in interpreting statutes and the consequences of that role for the legal and political system. Pre-requisite: Constitutional Law. *Additional Course Information:* Counts toward Appellate Law Concentration

**CONPUB 600S Advanced Administrative Law (2-3 Credit Hours)** The seminar will focus on particular interactions of Constitutional and Political components of the Administrative process as they relate to whether notice and hearing are invariably required by administrative agencies or whether they may be truncated or bypassed when traditional requirements of due process arguably place an undue burden on government officials in dangerous or emergency circumstances Evaluation: Research Paper Prerequisite: Administrative Law, CONPUB 600.

**CONPUB 603 Conflict of Laws (3 Credit Hours)** With the growth of the interstate and international economy, conflicts of law arise in a wide range of cases. Events and transactions often implicate the regulatory interests of a variety of different jurisdictions, creating uncertainty about what law applies to a particular case. What's more, judgments obtained in one jurisdiction may be subject to collateral attack in a second forum. We will explore the many questions that flow from such inter-systemic litigation, including a brief refresher on personal jurisdiction and more detailed treatment of the choice of law process and the recognition and enforcement of judgments. We will extend these lessons, learned initially in the context of the law of the United States, into the international arena. *Additional Course Information:* Counts toward Appellate Law Concentration

**CONPUB 605C Comparative Constitutional Law Seminar (3 Credit Hours)** This seminar will provide a comparative perspective on U.S. constitutional law by looking at analogous case law and institutions from other constitutional democracies including the U.K., Germany, France, Japan, India, Canada, South Africa, Australia, Indonesia, South Korea, Brazil, Italy, Israel, and the European Union. Topics will include amendment mechanisms, secession, judicial review, separation of powers, federalism, fundamental rights, equality, freedom of expression, freedom of religion, comparative procedure, property rights and economic liberties, entitlements to government aid, and guarantees of democracy. The course requirements are a ten-page take-home exam essay and a twenty-five page paper. Students who have taken Comparative Constitutional Law (CONPUB 605) may not take this seminar. This class meets the Research Writing Requirement. *Additional Course Information:* Meets Perspective Elective degree requirement, Satisfies Research Writing degree req, Counts toward Appellate Law Concentration

**CONPUB 607 Food and Drug Law (2-3 Credit Hours)** This seminar will provide an overview of the legal issues associated with the Food and Drug Administration's regulation of drugs and medical devices, foods, cosmetics, and tobacco products. We will explore the most significant doctrinal and public health challenges confronting the agency and its key stakeholders, with an emphasis on the FDA's history of interpreting its statutory authorities creatively to meet emerging public health challenges. Controversial questions of institutional competency and authority will be considered through examples involving the evolution of biopharmaceutical manufacturers' efforts to communicate about the value of their products with physicians and payors; the FDA's increasing role in regulating clinical decision making to manage the risks of medical product use; and the explosion in precision medicine and the corresponding FDA initiative to assure the availability of quality diagnostic tests to support therapy selection. Students will gain familiarity with core principles of constitutional and administrative law through the examination of recent litigation proceedings involving challenges to the extent of the FDA's authority under its principal enabling statute and general statutory limitations applicable to all federal government agencies. The role of the FDA as a constituent part of the Department of Health and Human Services and its relationship to the courts and Congress will also be assessed. The objective of this seminar is to aid students interested in the life sciences in preparing to practice food and drug law, whether for government service or service in private industry, not-for-profit, or health care institutional settings. Prerequisites: none. Recommended courses: Administrative law. There is no final examination. Students will receive grades based 85% on a paper and 15% on classroom performance. One-, two-, or three-draft paper requirement may be met with the seminar. A course pack of primary and secondary authorities is required for the seminar.

**CONPUB 608 Telecommunications (3 Credit Hours)** This seminar will take as its general focus Internet policy, touching on infrastructure regulation, intellectual property, antitrust, free speech, and other issues as they are developing in the Internet space. In the first several weeks of the class, I will introduce the broad outlines of recurring problems of Internet policy. In later weeks, students will lead discussions (in consultation with me, to be sure) on current topics. There are no prerequisites for the seminar, and students need not have any technology or regulation background (although both are of course welcome). The seminar is for 3 credits. All students will write a paper on an Internet regulation topic of their own choosing, and the paper will have two drafts. Students may also choose to complete their three-draft requirement by arrangement. Required Course Materials: None Class Materials: I recommend that all students read as an introduction to the Internet policy space at least one

of the following books: Zittrain, *The Future of the Internet – and How to Stop It*; Wu, *The Master Switch*; Lessig, *Code*; Lessig, *The Future of Ideas*; Littman, *Digital Copyright*; Weiser & Neuchterlein, *Digital Crossroads*; Christopher Yoo, *The Dynamic Internet*.

**CONPUB 610 First Amendment (3 Credit Hours)** On any given day, opening a newspaper or clicking a link means finding a story about the protections of the First Amendment to the United States Constitution. Though these stories involve the most contemporary of controversies - from gossip websites to antiwar speech, from peep shows to cross-burning - they also implicate the most traditional issues regarding the intersection between law and communication in a democratic society: the proper balance between freedom and security, the conflict between societal concerns and individual rights, and the importance of communication to self-governance and personal fulfillment. Free speech, as it turns out, is not merely a right; it is a series of dilemmas. What happens when the individual's desire to communicate conflicts with the concerns of the community, as expressed in legal regulation? What competing values outweigh the value of free expression? Are some types of speech considered more worthy (and more guaranteed) than others? And does freedom of the press connote a level of protection beyond that meant by freedom of speech? This course will explore the tension between individual expression and societal order, as revealed in legal theory and in the American courts. Specifically, we will examine the First Amendment issues raised by, and legal precedent governing a series of controversies, including: incitement to illegal conduct and political dissent, defamation and loss of reputation, fighting words and hate speech, use of the public forum and symbolic conduct, obscenity and pornography, commercial advertising, and others. Teaching Method: Class Participation, Discussion, Lecture, Readings, Writing Assignments Evaluation Method: Attendance, Class Participation, Final Exam Course Materials: TBA. *Additional Course Information:* Open to First Year Students

**CONPUB 613 Law and Religion (3 Credit Hours)** Religious liberty is protected in American law, both by the First Amendment of the Constitution and by statutes such as the federal Religious Freedom Restoration Act. What is the nature of this protection? This class will examine how the law regulates religious activity, constitutional constraints on the support or funding of religious activity, and the treatment of religion in culture-shaping activities such as education. Constitutional and statutory claims for accommodation of religious objections to generally applicable laws, such as antidiscrimination laws and laws requiring employers to provide health insurance benefits such as contraception, will also be examined. We will primarily read Supreme Court decisions, but will also consider historical and theoretical perspectives.

**CONPUB 615 Fourteenth Amendment (3 Credit Hours)** Fourteenth Amendment Adopted after the U.S. Civil War, the Fourteenth Amendment to the United States Constitution is the source of many rights. When state laws or practices are claimed to violate Due Process or Equal Protection, often it is a reference to the 14th Amendment. This course will consider the historical background of that Amendment and look briefly at its Citizenship and Privileges or Immunities clauses. Due Process, fundamental rights and interests and Equal Protection are major themes. Consideration will be given to discrimination based on gender, sexual orientation, alienage, disability and race. Registration Requirements: Open to all classes, including first year students. Method of Evaluation: Attendance, participation in discussion, role play to argue and/or decide Hypotheticals, open book final exam. Items required for the course: Vol. 5 Cases and Materials on Federal Constitutional Law, *The Fourteenth Amendment* (2d Edition) by Gaylord, Green & Strang (2017); Carolina Academic Press, ISBN #978-1-53100-201-5.

C:/Hughes/14th/DescriptionCourse2018.docx Q:/Faculty/Hughes shared/14th/DescriptionCourse2018.docx. *Additional Course Information:* Open to First Year Students, Counts toward Appellate Law Concentration

**CONPUB 617 State and Local Government (3 Credit Hours)** State & Local Government Law Course Description - Spring Semester 2017: The course is designed for the generalist seeking an understanding of state and local government law. It is a practice-based and practice-oriented course, and will provide an overview of the inner workings of state and local governments (including the land development process) that will benefit any future practitioner who may be encountering such governments in their future practice. The course is taught by two practicing municipal law attorneys at Chicago law firms, who provide real-time experiences of representing, and appearing before, local city councils and village boards. Both previously co-taught this same course with the legendary Northwestern Professor Dawn Clark Netsch. The course explores an essentially structural approach to intergovernmental relations, analyzing the tri-partite distribution of powers both vertically and horizontally-- the federal-state-local levels of government and their interrelationship; the legislative-executive-judicial branches of government and their interaction. The course will cover such areas as local government powers, home rule, incorporation and annexation, intergovernmental conflicts (border wars), land use and zoning, state and local finances, economic incentives including tax increment financing (TIF), governmental liability and immunity, and constitutional law affecting government action (including First, Second, and Fifth Amendment topics). There will be an interactive, mock Village Board session where students will have the ability to role play and interact as local government elected officials, developer applicants, and community activists. Evaluation: There will be a final self-scheduled web exam. Grades will be based on the final exam as well as class participation. Teaching method: Lecture and discussion, and interactive sessions The course is open to second, and third year law students. There are no prerequisites to taking this course. It is not necessary to have studied constitutional law or property law prior to taking this course. A primer on constitutional law will be provided as part of the course materials. *Additional Course Information:* Counts toward Appellate Law Concentration

**CONPUB 617S Local Government Law (3 Credit Hours)** This course explores the law as it pertains to the most vital form of governance and regulation in America: local governments. Local government is the government closest to the citizen and the one whose decisions affect our lives and property holdings the most. It regulates real estate markets (e.g., land use controls, economic development policies), it taxes, it runs the police, and it delivers other essential services, including education, transportation, and parks. In addition it is the most accessible arena for citizen participation in the political process. The course is thus concerned with the actualities and potentialities of decentralization of power. In accordance, the course focuses on issues such as federal and state control of local decision-making; the different forms of local power recognized in American law; the relationship patterns-competition, cooperation, conflict-between different localities (e.g., cities and suburbs, cities and special districts); the economic and social effects of the reliance on local taxation as a source of funding for local services such as education; the privatized or neighborhood-based alternatives to city-delivered services, regulation, and governance; local debt and bankruptcy; and the ways in which racial and economic divisions fracture American metropolitan areas. The course is open to first, second, and third year law students. There are no prerequisites to taking this course. It is not necessary to have studied constitutional law or property law prior to taking this course. The exam is self-scheduled and open-books. Required

Text: Casebook: Frug, Ford and Barron, Local Government Law. *Additional Course Information:* Open to First Year Students

**CONPUB 619 Employment Discrimination (3 Credit Hours)** In this course, we will study the major federal ant-discrimination statutes, focusing on three primary questions. First, what is discrimination? Second, how can - and should - discrimination be proven? Third, given proof of discrimination, what remedies are appropriate? Connected to these doctrinal questions are theoretical and policy questions about the efficacy of employment discrimination law, the goals of employment discrimination law, and the appropriate institutional roles of courts, legislatures, and regulatory bodies in shaping the law. Throughout, we will also examine how attorneys use employment discrimination concepts in practice, discussing lawyering strategies from litigation, counseling, and risk management perspectives. *Additional Course Information:* Open to First Year Students, Counts toward Business Enterprise Concentration

**CONPUB 620 Second Amendment (2-3 Credit Hours)** This seminar will examine the second Amendment as a working part of the Bill of Rights. Among the subjects to be covered will be the right to keep and bear arms in the ideology of the Founding Fathers, what constitutes a "militia," when is a militia well-regulated, and what "arms" are comprehended in the Second Amendment. We will read and discuss most of the federal and many of the state cases involving the right to keep and bear arms, as well as modern law review commentary. Gun controls in relation to the Second Amendment will receive substantial treatment, as will contemporary criminological treatments of firearms and crime. Three credits, evaluation by paper of at least two drafts, topics assigned by the professor or by negotiation. Research paper.

**CONPUB 623 Sex Discrimination at Work and Play (2-3 Credit Hours)** This course will focus on what antidiscrimination law does and should require in the context of employment and college athletics. The course will examine the current issues faced by courts implementing Title VII's and Title IX's prohibitions on sex discrimination in these areas.

**CONPUB 629 Colloquium: Constitutional Law (2-3 Credit Hours)** This is an advanced seminar that will bring together outside scholars, resident faculty, and Northwestern students for an exchange of views about cutting-edge research on constitutional theory. On six occasions during the semester, a workshop will be held at which a leading scholar will present a paper growing out of his or her research on issues of constitutional law. These workshops will be attended by members of the faculty of the School of Law, faculty from other schools and departments within and without Northwestern, and interested students. On weeks when there is no outside speaker, the seminar will meet to review the previous workshops and to discuss an upcoming paper or papers. Students are required to write short critiques of each forthcoming paper, which will provide the foundation for seminar discussions and will be shared with the authors in advance of their presentations. Students may complete a longer paper that would likely be a revision of some of the short ones. For students who do so, the course will satisfy the two-draft and three-draft paper requirements. Students who would like to complete the 2 draft requirement and earn one additional credit hour in this course will need to submit a request for approval via the Writing Requirement form on the Registration and Records Registration page to obtain professor permission. The professor may limit the number of 2 drafts allowed in this course. Students may submit this request during open enrollment: August 24-September 23, 2016. Students who would like to complete the 3 draft requirement and earn one additional credit hour in this course will need to submit a request for approval via the Writing Requirement form on the Registration and Records Registration page to obtain professor permission. The professor may limit the number of 3

drafts allowed in this course. Students may submit this request during open enrollment: August 24-September 23, 2016. Evaluation Method: Attendance, reaction papers and classroom discussion. *Additional Course Information:* Counts toward Appellate Law Concentration

**CONPUB 633 American Indian Law (3 Credit Hours)** Federal Indian law is of obvious relevance to those with an interest in our indigenous tribes and populations. Less obvious, however, is the importance of rulings in the field for law more broadly defined. For example, Chief Justice John Marshall's opinions in the so-called Cherokee cases of the early 1800s were foundational in determining the obligation of states to abide by decisions of the Supreme Court. Further, understanding of Federal Indian law is crucial for any lawyer representing tribes or advising investors whose capital is to be connected, even if only in a tenuous way, with Indian tribes or reservations. This course provides an overview of federal Indian law, including the nature and history of the tribal/federal legal and political relationship, basic legal definitions within federal Indian law (such as what is "Indian country"), canons of construction unique to Indian law, tribal sovereignty and its protection, basic questions of federal and state authority within Indian country, and tribal, federal, and state jurisdiction in Indian country according to default rules as well as special statutory regimes. Specific topics for study and analysis include the foundational doctrines of original Indian title; inherent tribal sovereignty; congressional plenary authority over American Indian affairs; and the federal trust duty to protect American Indian lands and rights. These doctrines' impact on the contemporary lives, resources, cultures, and rights of the American Indian peoples will be evaluated within selected legal frameworks. After covering the foundational material, this course examines in greater depth selected specialized areas such as: (a) civil and criminal jurisdiction within Indian country; (b) Indian natural resources law; (c) Indian environmental law; (d) Indian taxation; (e) Indian cultural and religious freedoms; (f) Indian child welfare law; (g) Indian gaming; (h) Indian economic development; (i) Indian reserved water rights; and (j) Indian hunting and fishing rights. Registration Requirements: Recommended - Constitutional Law Eval Method: Grading by class attendance and participation, several class-wide writing assignments, and a research paper on a topic of the student's choosing with prior approval of the professor. Class Materials: Carole E. Goldberg, Rebecca Tsosie, Robert N. Clinton, Angela R. Riley, American Indian Law: Native Nations and the Federal System, (7th ed. 2015) Carolina Academic Press ISBN 978-1-6328-0967-4 Other readings as assigned. *Additional Course Information:* Open to First Year Students, Satisfies Research Writing degree req

**CONPUB 636 Religion, Politics and the Constitution (2-3 Credit Hours)**

**CONPUB 637 Law and Education (3 Credit Hours)** Class sessions will be devoted both to student presentations of their paper topics and to discussion of a variety of currently vexing legal-educational controversies that require lawyers, educators and policy-makers to balance considerations of private and public morality, social costs, the allocation of public resources and the good of individuals. Specific problem areas to be discussed include the legal framework for educating differently-abled students, the amelioration of class and racial inequities throughout public education, the enforcement of K through 12 student discipline, reconciling rights of free speech and free exercise of religion with schools' institutional needs, public education financing, the regulation of big-time college sports, current controversies regarding sexual assault and harassment on campuses and the role of charter schools. Readings include cases and statutes that establish the foundation for resolving current law and education controversies as well as cases and articles addressing cutting-edge educational issues of major social concern. Grades will be based primarily on the students'



papers, although the quality of class presentations and discussions may also be considered. This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 638 Practicum: Public Interest Law (4 Credit Hours)** This course examines the work of lawyers representing low-income clients in civil cases and engaging in other civil public interest legal work through experiential and in-class learning. The course will explore practical and ethical issues faced by public interest lawyers and the challenges of enforcing legal rights of low-income clients. In addition to the weekly seminar, students spend 12 hours per week in an approved externship with a non-profit public interest organization doing civil legal work. Students work under the supervision of attorneys in these offices and conduct research, write briefs and memoranda, interview clients and witnesses, participate in community education efforts, and assist attorneys in trial preparation and trial. Students secure their own placement in consultation with the faculty member. *Additional Course Information:* Satisfies Experiential Learning degree req, Requires Practicum Placement

**CONPUB 638D Practicum: Public Interest Law (4 Credit Hours)** The goal of this Practicum is to provide students with a theoretical and practical understanding of public interest law practice, broadly defined. The assigned readings cover a variety of topics related to public interest law. Students participate in a weekly seminar where they discuss the readings and their work at the placement agency. In addition, students spend 12 hours per week in a field placement or externship with a non-profit public interest legal organization of their choosing. All second and third year students are eligible to participate in the Public Interest Practicum. Students in the course should begin searching for an appropriate placement at least one month before the semester begins and are expected to have secured a specific externship by the start of class. The professors teaching the course will assist students in finding externships responsive to the student's interests. Each placement must be approved by the professors teaching the course in the semester for which the placement is secured. This course is a distance course. NOTE the following rules for distance courses: -You may not enroll in more than one distance course in any term, including the summer term. -You may earn no more than 12 credits in distance courses towards the JD degree. *Additional Course Information:* Requires Practicum Placement, Satisfies Experiential Learning degree req

**CONPUB 641 The Not for Profit Institution: Issues of Law and Governance (3 Credit Hours)** Not for Profit Institutions are a large and vital part of the United States economy and an important part of Chicago civic life. These institutions include: hospitals, theatres, museums, groups such as the Catholic Church and the American Civil Liberties Union, the MacArthur Foundation and many others. This class will begin with a general introduction to the sector and the legal structure creating and governing these widely differing institutions. As a group we will examine the challenges faced by not for profit boards and managers when not for profits build and expand, and face financial challenges, and when the leadership of a not for profit changes or seeks to extend its reach and image. This year the class will focus on the special legal issues posed by the new Lucas Museum of Narrative Art and the Obama Presidential Library. The class will invite leaders and members of the governance structure of Chicago not for profit institutions to meet with us and discuss issues and problems. Students will write and revise two drafts of a research paper, to be discussed in class, on an approved, relevant topic under the close supervision of the instructor. Final papers will be due the last day of examinations and distributed to class guests and members of the law school community. Enrollment limited to 20. Note: This course was previously offered as: Not for Profit Institutions. Note: This class

satisfies the two draft writing requirement. Please note this class does not satisfy the three draft writing requirement.

**CONPUB 642 Race, Racism and Law (2-3 Credit Hours)** A free-flowing, but carefully structured study of the role and effect of race in American Law from a historical, sociological, philosophical and jurisprudential perspective. Among the topics explored are slavery and abolition, interracial marriage, segregation of public facilities, voting rights, racial discrimination in the criminal justice system, the civil rights movement and civil disobedient, school desegregation, fair housing laws and racial discrimination in employment. Grades will be based on class participation and a research paper.

**CONPUB 644 Legislation (3 Credit Hours)** Statutes have increasingly replaced common law court decisions as the principal expression of public policy and the dominant source of law in the United States. Reflecting this development, many upper level courses are heavily oriented toward fields of statute-based law. The emphasis in most of these courses, however, is necessarily on the law and policy of a particular substantive area, not on legislation as such. This course lays the groundwork for the study and practice of statutory law in all substantive areas by exploring some of the major theories, techniques, and issues of modern legislation and statutory interpretation. The course is designed to be both practical and theoretical. It will introduce basic principles of close textual analysis and substantive and semantic canons of construction. It will orient students to the legislative process that produces statutes and will examine the major theories of the legislative process in a democracy. The course will also explore the relevance and weight of legislative history and provide an introduction to the relationships between statutes and judicial and executive decisions. Registration Requirements: Open to 1Ls Evaluation Method: Final Examination and Class Participation. *Additional Course Information:* Open to First Year Students, Counts toward Appellate Law Concentration

**CONPUB 645 Law and Social Change (3 Credit Hours)** This course is an examination of the relationship between legal institutions (primarily the courts) and social change in United States. Emphasis is given to "litigation campaigns," which seek to use the courts to bring about social change. The substantive areas used to illustrate these relationships include several in which there have been substantial legal and social change in the recent past, such as race, gender, and sexual orientation. Registration Requirements: This course is NOT a Perspective Elective. It is an Open Elective for First-Year Students, and it is open to second and third year students. Teaching Method: Discussion, Films/videos, Readings, Research Project Evaluation Method: Final Exam, Class Participation (I will also take into account class participation in determining grades for the course, in exceptional cases. I will raise the grade for the course to reward consistently excellent work in class throughout the semester, e.g., from a B to a B+, or from a B+ to an A.) Course Materials: Brest, et.al, Processes of Constitutional Decisionmaking ISBN 0-7355-5062-X Gerald N. Rosenberg, The Hollow Hope: Can the Courts Bring About Social Change ISBN-13: 978-0-226-7261-7 (paper) *Additional Course Information:* Open to First Year Students, Counts toward Appellate Law Concentration

**CONPUB 646 Empirical Study of the Judicial System (2-3 Credit Hours)** This course will focus on empirical and theoretical studies of the judicial process. Our goal is to expand our understanding of how the legal system works by considering its processes from an interdisciplinary and multifaceted perspective while at the same time challenging each other and ourselves to think about the nature of these processes. We will do so by studying positive theories and methodologies from political science to understand judicial behavior and to consider the implications of such

evidence for normative theory. Text: The readings for this course will be drawn from articles published in law reviews and political science journals. A photocopied reader will be available from the copy center. Evaluation: Every student must make a class presentation and write a 30-page research paper to receive credit for this course. There is no final examination. This course will be graded based on class presentation (30% of course grade), 30-page research paper (55% of course grade), and class participation (15% of course grade). Class Presentations: Each student enrolled in the course will be required to make an in-class presentation and to lead class discussion on the topic assigned for that class period. Students may work in pairs. Research paper: Each student enrolled in the course will be required to write an independently-researched and -written 30-page research paper that includes original work on an approved topic. The paper must be at least 30 pages long. We will discuss the specifics of writing an empirical paper over several class periods. There will be four deadlines connected to the paper: a research proposal, a progress report and draft outline, a first draft, and a final paper. Students will discuss their papers and elicit comments from classmates during one of three classes set aside for that purpose.

**CONPUB 647 Practicum: Judicial (4 Credit Hours)** This course will increase students' understanding of the federal judiciary through observation of courtroom proceedings, participation in judicial decision making, and academic examinations of issues facing the judiciary. In addition to the weekly seminar, students work 12 to 15 hours a week in approved externships for federal and select state court judges. Students maintain reflective journals analyzing their field placement experiences and class topics and responding to questions about their externship. The class offers students opportunities to improve a variety of skills used by lawyers, including research, analysis, writing, listening, and presentation. Students secure their own externships with the assistance of the professor. *Additional Course Information:* Counts toward Appellate Law Concentration, Satisfies Experiential Learning degree req, Requires Practicum Placement

**CONPUB 647D Practicum: Judicial (4 Credit Hours)** This course will increase students' understanding of the federal judiciary through observation of courtroom proceedings, participation in judicial decision making, and academic examinations of issues facing the judiciary. Seminar topics may include opinion drafting, the Judicial Canon of Ethics and ethical considerations, sentencing, and judicial decision-making. In addition to the weekly seminar, students work at least 20 hours a week (a minimum of 180 total hours) in approved externships for federal and select state court judges. Students maintain reflective journals analyzing their field placement experiences and class topics and responding to questions about their externship. The class offers students opportunities to improve a variety of skills used by lawyers, including research, analysis, writing, listening, and presentation. Students secure their own externships with the assistance of the professor, and all placements must be approved by the professor. The externship must run concurrently with the course. All course materials will be provided on Canvas. Student grades are based on the reflective journal, class participation, a final group presentation, and successful completion of the externship. This course is a distance course. NOTE the following rules for distance courses: -You may not enroll in more than one distance course in any term, including the summer term. -You may earn no more than 12 credits in distance courses towards the JD degree. Registration Requirements: Students must get the faculty member's permission to enroll in the class once they have accepted an externship with a federal or state court judge. Some state court externships may not satisfy the course requirements, so students should consult with the professor before accepting a state court externship. Students may not receive any

payment for the externship. Students may take the Judicial Practicum only once; students who have previously taken the Judicial Practicum may not enroll. *Additional Course Information:* Satisfies Experiential Learning degree req, Requires Practicum Placement

**CONPUB 647S Practicum: Judicial (4 Credit Hours)** The goal of this Practicum is to provide students with a solid understanding of the courts and various aspects of judicial decision-making. Students work a minimum of 180 hours over the summer in approved externships for federal judges and select state court judges in the Chicago area. Working under the close supervision of the judges and their law clerks, students conduct legal research and draft memoranda and opinions. Students also observe a variety of court proceedings. Students participate in a weekly seminar to discuss their observations and various readings relating to the judiciary. Seminar topics may include: opinion drafting, judicial selection, judicial ethics, the role of ideology in decision-making, technology in the courtroom, and discretion in sentencing. Students maintain reflective journals about their field placement experiences, class discussions and readings, and weekly assigned topics. Students also make a substantive presentation to the class on a topic approved by the Professor that relates to the judiciary. The externship must start no later than the first week of June and last for a minimum of six weeks contemporaneous with the seminar, but ideally eight weeks or longer. Students must be doing legal work, including legal research and drafting. The class will begin in late May and meet weekly through the end of July. Students must get the Professor's permission to enroll in the class once they have accepted a judicial externship that meets the requirements identified above. Students may not receive payment from any source for the externship. Students may take the Judicial Practicum only once. Students are graded on the journal, final presentation, class participation, and successful completion of the externship. Class materials: Course materials will be provided on Canvas. *Additional Course Information:* Requires Practicum Placement, Satisfies Experiential Learning degree req

**CONPUB 650 Federal Jurisdiction (3 Credit Hours)** This course examines the role and responsibilities of the federal courts in this country's system of government. Particular attention is paid to the structural principles of separation of powers and federalism. Topics to be considered include the origins and functions of the federal judiciary; the justiciability doctrines of standing, ripeness, and mootness; congressional power to control the jurisdiction of the federal courts; legislative courts; state courts and federal power; the various sources of federal jurisdiction; federal common law; state sovereign immunity; the various abstention doctrines; and the role of the Supreme Court. *Additional Course Information:* Counts toward Appellate Law Concentration

**CONPUB 651 Feminist Jurisprudence (3 Credit Hours)** This course examines feminist legal theory in an effort to: (i) analyze how the law constructs gender; and (ii) apply the theory to various substantive areas of law and social policy. Among the topics covered are rape, prostitution, pornography, intimate and familial relationships, wealth distribution, the workplace, reproductive rights, and regulation of sexuality. *Additional Course Information:* Meets Perspective Elective degree requirement, Satisfies Research Writing degree req

**CONPUB 656 Practicum: Civil Government (4 Credit Hours)** This course will examine legal representation in a civil government setting and will consist of both a classroom component and a field work component. Students will spend 12 hours per week in a field placement at a government agency involving civil law, such as the Illinois Attorney General's office, the Equal Employment Opportunity Commission, the Federal Trade Commission etc. In addition to this externship, the class meets weekly in a seminar-length classroom session. Students will

be required to keep a journal on their field placement. Readings and discussions will focus on important issues in civil government legal practice. PRE-REQUISITES/RESTRICTIONS: Students are required to secure their own placements. *Additional Course Information:* Satisfies Experiential Learning degree req, Requires Practicum Placement

**CONPUB 660 Immigration Law (4 Credit Hours)** This course surveys immigration and citizenship law in the United States. The core issues at stake in this course—the boundaries of political membership and the systems for managing migrant populations—play a significant role in many areas of the law and present fundamental challenges to the United States in the twenty-first century. We will examine the entry, presence, expulsion, and naturalization of noncitizens, as well as the content and significance of U.S. citizenship and nationality, from a variety of perspectives: historical and contemporary; procedural and substantive; constitutional, statutory, and regulatory. Specific topics will include the plenary power over immigration; the interaction between immigration and federalism; the constitutional rights of noncitizens; the criteria for the admission of noncitizens on a temporary or permanent basis; the grounds for exclusion and deportation; the rules governing adjustment of status; and the ongoing political debates surrounding immigration reform. Throughout the course, we will consider the major theoretical questions underlying immigration law: What are the different ways of defining citizenship? What defines membership in a political community? How should the rights of citizens and non-citizens differ, if at all? Should our conceptions of citizenship and membership change in an age of substantial migration and globalization? When is it appropriate to force non-citizens to leave the United States? Are there any moral constraints on the state's interest in controlling its borders? How does immigration law intersect with the United States's role/power in the world? *Additional Course Information:* Open to First Year Students

**CONPUB 661 Election Law (3 Credit Hours)** This course provides an introduction to the law that regulates citizen participation in the democratic political process. The course will cover a wide range of topics, including the right to vote, the electoral college, reapportionment and redistricting, partisan and racial gerrymandering, the Voting Rights Act, campaign finance, the role of political parties, direct democracy, Bush v. Gore, and electoral administration. The course will examine the principles underlying the design of political institutions and legal frameworks in the United States, the effect of those institutional arrangements, and will also include a comparative perspective of election law. Although there will be a focus on election law doctrine, the course will also be interdisciplinary in its approach to certain topics, relying on works from the social sciences. Specifically, the course will explore how public choice theory and theories of legislative behavior from political science and economics shed light on direct democracy, incumbency, and campaign finance. We also will examine empirical work in political science and statistics that analyzes the effects of the Electoral College, lobbying, voter fraud, voter identification requirements, and voter information campaigns.

**CONPUB 664 Animal Law Seminar (3 Credit Hours)** Is there a place for the consideration of the interests of animals in the law? Throughout the semester, we will examine the historical and current status of animals in our legal system. Students will examine a diverse cross-section of law devoted to the controversial moral, ethical, and public policy considerations germane to efforts to balance the interests of animals and those of humans. The course is graded on regular class attendance, participation, a research paper, and a class presentation. Text: 5th Edition (2014) of ANIMAL LAW Cases and Materials. Wagman, Waisman, Frasch Text: 4th Edition (2010) of ANIMAL LAW Cases and Materials. Wagman,

Waisman, Frasch This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

### **CONPUB 665 Regulated Industries (3 Credit Hours)**

**CONPUB 667 Law and Society (2-3 Credit Hours)** The Law and Society movement makes the puckish claim that law is too important to be left to lawyers, contending that social scientific perspectives offer crucial insights into the law and how it works. Using empirical studies, this class asks some of the fundamental Law and Society questions: How do people and organizations use the law and seek legal redress? When and why do they obey the law? How do legal practices and structures contribute to social equality and inequality? What does the history and organization of the legal profession suggest for the future of legal work and legal education? In addition to exploring different approaches to examining law in society, students will improve their ability to evaluate empirical research. No prior training in statistical methods or in the social sciences is expected. Students will be required to participate in class and prepare four brief memos on the readings (40%), present to the class a description of their research topic and the relevant empirical research (10%), and write a substantial paper on a law and society question of interest to the student (50%). Texts: Readings will consist of a set of readings compiled by the instructor. Prerequisites: None. *Additional Course Information:* Meets Perspective Elective degree requirement

### **CONPUB 668 Current Issues in Chinese Law (2-3 Credit Hours)**

China's efforts to build a legal system represent the most extensive such undertaking in world history. Over the past quarter century, the number of lawyers in China has grown from 3000 (most with a Soviet-style education) to more than 250,000 today. Similar growth has taken place in the court system, the legislative process, legal education, and many other areas of the legal system. These efforts raise fundamental questions not only about a country that represents one-fifth of the world's population, but also about the very role of law itself. This seminar aims to introduce students to the most pressing legal issues facing China today, and to do so through a comparative lens. We will take stock of some of the best and most recent Western scholarship—much of it empirical and interdisciplinary—as we consider core themes in Chinese law. Our focus will be on the legacy of Confucian and Legalist thought, the powers and independence of judges and courts, the right to counsel, police interrogation and investigation, land policy and its discontents, environmental law and protests, the rise of rights consciousness, and the relationship between economic growth and a legal order that secures both property and contract rights. Students who would like to complete the 2 draft OR 3 draft writing requirement and earn one additional credit hour in this course will be able to self-enroll in the associated LAWWRT 602 or 603 section (cannot enroll in both) during open enrollment January 3, 2017-February 3, 2017. 2 draft class #:33108 3 draft class #:33109 Evaluation: The grade for the course will be based on a scholarly research paper, short reaction papers, and class participation. Teaching Method: Some lecture and discussion. Guest speakers. Prerequisites: None. Chinese students are also invited to join the course. Text: Reading materials assigned by professor in class \*\*Note: This course was previously offered as Comparative Law: China.

### **CONPUB 669 Contemporary Supreme Court Cases (2 Credit Hours)**

Course description This course examines Supreme Court cases as they are pending before the Court, as well as new cases that come down during the Term. The aim of the course is to provide an insight into the range of issues that the Supreme Court faces in any given year, and an opportunity to study in depth topics that we may be unfamiliar with. It will also allow us to examine the process by which Supreme Court cases take form, the political-legal context of cases, and the impact of litigator



advocacy before the Court. Classes Each week, we will examine in detail two cases that the Court is considering in the current Term. Rather than extensive reading, we will listen to oral arguments and read some relevant contemporary commentary. Students will have input into which cases we examine - we will decide on a list of cases in the first meeting (see below). We will attempt to choose cases of interest and/or importance that represent the breadth of the Supreme Court's docket. Students will also have input into the content of our readings. Assessment Assessment will consist of: a. class organization and presentation (30%); b. general class participation (20%); and c. a final short paper (50%). *Additional Course Information:* Counts toward Appellate Law Concentration

**CONPUB 670 Ideas of the First Amendment (3 Credit Hours)** Freedom of the mind. The marketplace of ideas. The right of the people to criticize their representatives. These are abstract ideas, but they play a powerful role in shaping contemporary First Amendment law. This course, an introductory study of the First Amendment, differs from most such courses (including those previously taught by this instructor) by focusing on the germinal writings on freedom of speech in the Anglo-American tradition, and examining the implications of those writings for the most important doctrinal questions. Instead of attempting to cover the details of the doctrinal subcategories generated by the Court, this class will closely read the writings of John Milton, James Madison, John Stuart Mill, Learned Hand, Oliver Wendell Holmes, Louis Brandeis, and Alexander Meiklejohn, examining modern case law primarily as a way of testing those ideas. The course focuses, in short, on the roots rather than the branches of modern First Amendment doctrine. Those who have taken First Amendment in the past will find much that is new here, but no previous knowledge of First Amendment law is required. If you'd like a sense of the general approach that the course will take and the reasons for coming at the First Amendment in this way, look at the casebook, excerpts from which can be viewed for free at <http://www.blasi-first-amendment.com/index.asp>. The course's basic philosophy is laid out in Blasi's very short Preface. *Additional Course Information:* Meets Perspective Elective degree requirement, Counts toward Appellate Law Concentration

**CONPUB 673 The U.S. Supreme Court (3 Credit Hours)** This course is designed to introduce students to the state of the art in legal and social-scientific work on the U.S. Supreme Court and to help them translate the research in ways that will be useful for the practice of law. Topics include appointments to the Court; the internal deliberative processes of the justices in reaching their decisions; relations between and among the Court and the elected branches of government; the role of law clerks, interest groups, and attorneys; and the impact of judicial decisions. An important goal of the course is to consider how an external perspective from social-scientific studies of the Court can help us to understand the law and the art of lawyering. Teaching and Evaluation Methods: -Class Participation: Attendance and participation are required and make up 20% of your grade. -Writing Assignments: Two short essays each worth 20% of final grade, and one final essay (approx. 10 pp.) worth 40% of the final grade. Course Materials: Segal, Jeffrey A., Harold J. Spaeth and Sara C. Benesh. 2005. *The Supreme Court in the American Legal System*. Cambridge University Press. ISBN 0521780381, 9780521780384 Epstein, Lee and Jeffrey Segal. 2005. *Advice and Consent: The Politics of Judicial Appointment*. Oxford University Press. ISBN 0195300211, 9780195300215 Baird, Vanessa A. 2007. *Answering the Call of the Court: How Justices and Litigants Set the Supreme Court Agenda*. Charlottesville: University of Virginia Press. ISBN 0813925827, 9780813925820 Epstein, Lee and Jack Knight. 1998. *The Choices Justices Make*. Congressional Quarterly Press. ISBN 1568022263, 9781568022260 Rosenberg, Gerald N. 1991. *The Hollow*

*Hope: Can Courts Bring About Social Change?* University of Chicago Press. (or the newer edition that the bookstore has available). ISBN 0226726711, 9780226726717.

**CONPUB 680 Sexual Orientation and the Law (2-3 Credit Hours)**

This seminar examines the treatment of sexual orientation and related questions of sexuality and gender in the U.S. legal system. Particular attention will be paid to first amendment and equal protection jurisprudence and theory (including anti-gay ballot initiatives, public workplace issues, the rights of students, and the purported tension between equality and religious freedom); rights of intimate association and efforts to define, limit or expand family and parental rights (including equal marriage rights); and legal efforts to define and distinguish sex, gender, sexual acts and sexual identity (including sodomy law challenges and the impact of *Bowers v. Hardwick* and *Lawrence v. Texas*). Students will be required to complete an advocacy brief, 20-25 pages (double-spaced) in length, on a topic selected from a list provided by the instructors. The brief will address one or more of the legal concepts discussed in class and in the assigned readings. The brief should reflect additional legal and/or policy research. Students will be required to present a summary of their brief to the class. Class attendance, participation in class discussion and presentations of advocacy briefs will influence final grades. Required Course Materials: *Sexuality, Gender, and the Law*, Third Edition, by William Eskridge and Nan Hunter, Foundation Press 2011. ISBN: 978-1-59941-412-6. Additional required materials may be assigned and will be distributed to students. Suggested reading materials may be identified to assist students in the preparation of their required writing assignments.

**CONPUB 682 Women, Children, Gender and Human Rights (3 Credit Hours)**

This seminar will examine the treatment in international human rights law of issues relating to women, children and gender. We will focus close attention on the relevant treaties and related instruments, as well as on the practice and jurisprudence of the European Court of Human Rights, the Inter-American Court of Human Rights, the various relevant treaty bodies, the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, and the International Criminal Court. Examples will also be drawn from domestic legislation and decisions of national courts. Topics to be covered include, among others: sex and labor trafficking; juvenile justice; children in armed conflict; rape as an act of war; domestic violence; corporal punishment; and discrimination on the basis of sex, sexual orientation and gender identity. Through readings, films/videos and discussions, we will explore in particular areas of competing conceptions of rights (for example, is banning the burqa a violation of freedom of religion or a means of protecting women from sexist cultural or religious practices?) or competing strategies for the furtherance of human rights (for example, should a country like the U.S., which only recently banned the criminalization of homosexual sex, try to dictate to other countries the pace at which those countries should change their laws?). In lieu of an exam, students will be expected to write a 25 page paper on a topic approved by the instructor. Students will be evaluated based on the paper and on participation in class discussions. This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 685 International Criminal Law in U.S. Courts (2 Credit Hours)**

In a shrinking world, crime increasingly knows no borders. This two-credit hour seminar explores U.S. criminal prosecutions of venue crimes committed abroad. A discussion of the jurisdictional and venue requirements for overseas crimes segues into the crimes themselves: piracy, cybercrime, international cartels and more. Special attention is paid to increased prosecutions of the Foreign Corrupt Practices Act in a global marketplace. The class concludes with discussions of human

rights violators and trafficking in persons. This course is formerly known as Special Topics in International Criminal Law. Adjunct Professor Renai Rodney is a Deputy Chief, United States Attorney's Office, Northern District of Illinois, with extensive experience in the prosecution of narcotics, human trafficking, and public corruption matters.

**CONPUB 690 International Law (3 Credit Hours)** This course provides an introduction to public international law. We will begin by discussing the nature and sources of international law. We will then cover topics including the law of treaties; jurisdiction and immunities; international courts and international organizations; and the use of international law in U.S. courts. Later sessions will examine how actors have sought to develop and deploy international law to address contemporary global problems. *Additional Course Information:* Open to First Year Students

**CONPUB 691 International Team Project (4 Credit Hours)** ITP courses are designed to allow greater student involvement in developing the curriculum of the course than traditional courses allow. The extent of student control will be the discretion of the individual faculty teaching these courses but ideally, students will be involved to some extent in suggesting readings, organizing speakers and presentations at NU, choosing and developing topics of study, arranging travel and accommodation logistics and setting up appointments, interviews and meetings in country. Students will be required to work in teams and to produce and present a final team project. Each course will have student leaders who will work closely with the faculty advisor. The number of leaders and responsibilities will vary from course to course. However, some typical leader responsibilities include curriculum development, setting up appointments in Chicago and in country, organizing speakers, arranging travel and accommodations, researching required vaccinations, health issues, and safety issues, overseeing copying and distribution of course materials, etc. Although being a leader involves a little more time and effort, students have found it to be a valuable academic experience (and selling point on their resumes!). If you are interested in being a student leader, please contact the faculty advisor of the country you are interested in studying to learn more details. For additional information about ITP, please visit: <http://www.law.northwestern.edu/academics/curricular-offerings/international/itp/>

**CONPUB 692 Children's Rights (2-3 Credit Hours)** The course intends to inform students about the Convention on the Rights of the Child (CRC), its contents, its implementation and monitoring. The CRC is so far the most successful Human Rights instrument in terms of its Ratification. Approved by the General Assembly of the UN on November 1989 it entered into force within a year after that (September 1990) and is now ratified by all States members of the UN with two exceptions: Somalia and the USA. Some International issues in the field of children's rights will be used to illustrate the importance of the CRC: Child Labour (including discussions of a new ILO Convention to be approved in June 1999); Children in War (including discussions of the additional protocol now in the drafting process concerning Art. 38 of the CRC); Child Sexual Exploitation (including the discussion of a draft optional protocol). Finally and depending on the students' interest, class hours will be used to present and discuss either international standards on juvenile justice (Art. 40 and 37 CRC plus the so-called Beijing Rules) or international adoption (including the New Hague Convention of 1993). Research paper.

**CONPUB 693 International Agreements (3 Credit Hours)**

**CONPUB 694 International Human Rights Law (3 Credit Hours)** The course on international human rights law is an introductory survey course. Students examine human rights concepts, the influence of customary international law, state responsibility, general principles

and natural law, the interwar minorities regime, the role of treaties, the Nuremberg trials, the codification of human rights principles in a number of major treaties since World War II, civil and political rights, economic, social, and cultural rights, national security and terrorism in the context of human rights, torture law, universalism and cultural relativism, religious rights, freedom of expression, non-governmental human rights advocacy groups, the United Nations human rights system (including the UN Human Rights Council and the UN High Commissioner for Human Rights), treaty bodies such as the ICCPR Human Rights Committee, the European, Inter-American, and African Convention systems, universal jurisdiction, and U.S. civil litigation and global comparisons.

**CONPUB 695 International Criminal Law (3 Credit Hours)** This course provides an introduction to international criminal law as it pertains to the Nuremberg and Tokyo military tribunals and the contemporary international and hybrid criminal tribunals, including the International Criminal Court, the International Tribunals for the former Yugoslavia and Rwanda (and their successor, the Mechanism for International Criminal Tribunals), the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon. Students study the sources and evolving definitions of the atrocity crimes of genocide, crimes against humanity, war crimes, and aggression, as well as the creation, jurisprudence, and modes of participation of the tribunals. Teaching Method: Class Participation, Discussion, Guest Speakers, Lecture, Readings Evaluation Method: Attendance, Class Participation, Final Exam, Readings Class Materials: Beth van Schaack and Ronald C. Slye, *INTERNATIONAL CRIMINAL LAW AND ITS ENFORCEMENT: CASES AND MATERIALS, THIRD EDITION* (Foundation Press 2015). ISBN 9781609304621. *Additional Course Information:* Open to First Year Students

**CONPUB 696N The Law and Politics of Foreign Relations (2-3 Credit Hours)** The substantive focus of this seminar is on the role of law and politics in explaining the division of foreign affairs and national security powers among the legislative, executive, and judicial branches in the American constitutional system. Special attention will be given to political explanations for the division of foreign affairs powers and how these political explanations fit (or do not fit) the constitutional design. Discussion will focus on the division of the international trade and war powers authority between the President and Congress. We will intersperse the core seminar readings with some readings from the political science literature. Evaluation: Research Paper. May also require three short (two-three page) response papers over the semester. Attendance and participation will be considered in determining the final grade. Text: There will be one required text for the class and other materials that will be posted on Blackboard. Curtis A. Bradley and Jack L. Goldsmith, *Foreign Relations Law: Cases & Materials, Fourth Edition* (Aspen Casebook)

**CONPUB 697 Globalization and the Legal Profession (3 Credit Hours)** In this seminar, we examine the intersection of globalization and the legal profession. Our focus is on whether and in what ways global forces influence lawyers, legal institutions (including law firms and other practice organizations, and law schools, for example) and law itself, and vice versa. We begin the semester by considering the nature of professions and what is encompassed by the notion of globalization in order to provide context and framework; this includes considering the way that various processes, such as regulation and legal education, reinforce the definition and boundaries of the legal profession. During the term, we also will explore themes of (i) mobility; (ii) the role of organizations in lawyers' work (and the related issues of independence and employment); (iii) the rise of global standards and norms affecting lawyers and law firms such as pro bono; (iv) new competition relating



to non-lawyer ownership, litigation funding, accounting firms providing legal services, and the growth of corporate legal departments; and (v) legal education and the production of lawyers. Each of these themes will be explored through the lens of particular countries, including the United States, China, South Korea, Japan, India, the UK, Germany, South Africa and Brazil, among others. Throughout the semester, we will consider regulatory approaches taken by various jurisdictions. Readings, comprised of current news sources, scholarly articles and book chapters, will be made available to students through Canvas. Students will be evaluated on the basis of a combination of the following: (i) research paper, (ii) interview project, (iii) final presentation of research paper and (iv) class participation. This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 698 Refugees and Asylum (2 Credit Hours)** The seminar concentrates on the U.S. statutory definition of refugee which forms the basis for asylum. That definition is based upon the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 United Nations Protocol to which over 140 countries are signatories. While most governing standards apply globally, cases considered are from the U.S. In addition to qualifications for refugee status and asylum, consideration will be given to exclusions from and alternatives to asylum.

**CONPUB 700 Nation Building: International Human Rights in Transitional Societies (3 Credit Hours)** This seminar course will explore the nation building elements that must be in place in a state emerging from a period of state oppression or armed conflict in order for that state to become a society where human rights are respected. In the course we will examine the concepts of international human rights, democracy, rule of law, constitutionalism, self-determination, civil society, gender justice and minority rights, and the role these factors play, individually and in combination, in creating and maintaining an emergent society that respects international human rights. We will consider the role of a number of devices designed to aid broken societies transition to rights respecting ones, including truth and reconciliation commissions, judicial intervention, and collective action under Chapter VII of the UN Charter. Throughout the course we will relate international legal principles to real life situations in places such as Iraq; Afghanistan; Palestine; Libya; Kosovo; Sudan; Syria (and elsewhere in Africa); Columbia; Sri Lanka and elsewhere in the world. Course Particulars: The course will be presented in a seminar format and will meet once a week for 2 hours. This course satisfies Northwestern's Research Writing requirement and qualifies students for 3 credits for the course. . There is no exam. Grades are based on 75% on a research paper and 25% on oral participation. The latter will consist of participation in class discussion, interaction with me concerning progress on your course papers and a brief oral presentation near the end of the course. The reading for the course will be provided on Blackboard supplemented by relevant contemporary materials from the media that I will regularly provide. Regarding the writing requirement of the course, my practice is to meet individually with students during the term to allow for a close interaction between us as your work progresses. At the outset of the course, I will offer a set of suggested paper topics that you are free to consider. I will also provide a list of (and means of access to) relevant international instruments that we will be considering. Course Purpose This course is one of several that I present with the intent of exposing the student to the whole range of legal, political, economic and social issues that are presented under the broad heading of public international law. My purpose in presenting this course (and the others) is to introduce the student to a subject matter that is compelling and topical (as it will often deal with events that are happening in real time) and to position him or her to pursue (if desired) a career in the field

of public international law. This class satisfies the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 702 International HR Law: Differing Perspectives, Europe, the Americas, US (3 Credit Hours)** In this seminar course we will consider the developing case law of two international regional courts--the European Court of Human Rights and the Inter American Court of Human Rights--and the US Supreme Court, with a particular emphasis on matters of topical interest, such as the critical elements of a democratic society; non discrimination; due process standards for those charged with crime; the duty of government to protect individual rights; freedom of expression and association, the role of religion in the society and the right of privacy, including the right of gays and lesbians to participate fully in the society. We will contrast and compare the regional international law in these areas with the law in the United States and in certain other select jurisdictions. The course will also offer an introduction to an understanding of various European and hemispheric institutions, including the European Court of Justice and the Organization of American States, and how the regional courts fit into those contexts. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 703 Colloquium: International Human Rights (1 Credit Hour)** International Human Rights Colloquium (core) Fall and Spring (1 credit each semester) The International Human Rights Colloquium is an opportunity for IHR and JD/IHR students to meet in a collegial setting to discuss human rights issues from their respective home countries. During this two-semester course, each student will make a presentation on a contemporary human rights issue in his or her home country. Student presentations will be supplemented on occasion with guest presentations. Through these presentations and the ensuing discussions, all participants will have the opportunity to broaden their knowledge of human rights issues and share insights regarding the ways in which various countries handle comparable problems and situations. Students will gain experience in preparing and delivering a professional presentation. PRE-REQUISITES/RESTRICTIONS: JDIHR / IHR students only.

**CONPUB 705 International Externship Seminar (4 Credit Hours)** An international externship is available only to J.D. candidates and consists of an externship with an approved international or foreign court or organization combined with a research paper and faculty supervision. The approved institutions are the International Criminal Court, the International Tribunals for the Former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the War Crimes and Organized Crimes Chambers of the Court of Bosnia and Herzegovina, the Supreme Court of Israel, the Supreme Court of India, and the U.N. High Commissioner for Human Rights. Students may earn a total of 12 credits for a four to six month Fall or Spring externship during the third, fourth, or fifth semester of schooling that also requires submission of a three-draft 40-page research paper and faculty supervision. Students may earn a total of 4 credits for a minimum 10-week Summer externship during either of their law school summers that also requires submission of a two-draft 25-page paper and faculty supervision. No student who has earned credit in a practicum, International Team Project, or senior research may earn credit for a Fall or Spring Semester international externship, and no student who is earning or has earned credit in a Fall or Spring international externship may enroll for credit in a practicum, International Team Project, or senior research. Students first must be accepted by the relevant institution before being considered for an international externship for credit, which will entail an evaluation of the student's overall academic performance to date (including grade point average)

and whether, in the judgment of the school, the student is well positioned to take advantage of the international externship and perform well both at the institution and in drafting the research paper. The Center for Career Strategy and Advancement has information about applying to the approved institutions, which have deadlines for applications throughout the year. Enrollment is with permission of the professor only.

#### **CONPUB 705A International Externship Field Placement (8 Credit Hours)**

**CONPUB 706 International Law: the Law of War (3 Credit Hours)** In this seminar course we will examine the international legal parameters relating to the conduct of war/armed conflict, a topic that is also known under the heading of international humanitarian law. We will consider the application of legal regulation in the context of armed conflict from three perspectives: the lawfulness of a resort to armed force in the first instance; the lawfulness of belligerents' conduct during armed conflict once it has commenced, and the post conflict legal consequences of forms of criminal misconduct during the conflict. More specifically, we will examine the regulation of various means and methods of warfare (including the choice and use of weapons); the status and treatment of civilians, civilian objects and POWs; the regulation of non-international armed conflicts; the application of the law of war to non-state actors (such as terrorist organizations and corporations); various enforcement mechanisms and the effectiveness thereof; the legal ramifications of belligerent occupation and issues related to the protection of cultural artifacts and the environment during wartime. We will consider the application in armed conflict of several international instruments and the military manuals of selected countries. Throughout the course we will relate the international legal principles to real life situations in places such as Iraq; Afghanistan; Palestine; Kosovo; East Timor; Darfur and Rwanda (and elsewhere in Africa); Columbia; Sri Lanka and elsewhere in the world. No exam. I will approve all multidraft papers. This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 707 Corporate Compliance and Social Mandates (2.5 Credit Hours)** This course examines compliance issues related to global operations of multinational corporations with focus on aspects of sustainability in the different areas of Corporate Social Responsibility (CSR), primarily human rights, but also labor issues, environment, and anti-corruption. The class draws the contours of corporate compliance with related legal standards in a comparative and transnational law fashion; requirements for overseas business operations in emerging markets are discussed under U.S. law, EU law, and international law. Beyond legal compliance and risk mitigation strategies, the course takes a business approach to corporate social responsibility compliance looking at market incentives (competitive advantage, new market-entry, sustainable value creation) for corporations to adapt their policies and business strategies accordingly. The class aims to give international corporate lawyers the tools to advise business clients identifying the risks and opportunities related to non-market aspects of global business and avoiding and mitigating claims of non-compliance. The class is also suited for business students familiarizing them with the regulatory landscape that global businesses are facing today in the realm of CSR, including legal risks and soft risks across different business functions of the firm, such as Enterprise Risk Management (ERM), compliance, and strategy. Students study relevant international legal and regional standards as well as applicable corporate, tort, and criminal laws in domestic legal systems as key markets; the role of the UN Global Compact Office, the International Labour Office, and the OECD; the legal personality of corporations and the nature of the firm; the scope of corporate responsibilities to respect, protect, and promote societal interests within the corporate "spheres of influence" and in line with

fiduciary duties; complicity, agency, and joint venture liability; imputation of acts in the parent-subsidiary relationship and rules on 'piercing of the corporate veil'; extraterritorial tort and criminal liability litigation before domestic courts; corporate crime; jurisdictional issues pertaining to global business operations; soft rules and corporate self-regulation with reference to the multi-stakeholder and industry initiatives as well as corporate codes of conduct; corporate objectives under the law in light of the shareholder/stakeholder dichotomy across different legal systems; institutional compliance structures and monitoring as well as associated direct and indirect costs; management strategies integrating non-market aspects with contract law, risk assessments, and corporate governance structures; and 'inclusive' business strategies combining commercial viability with positive social impact. The course uses a mix of prominent court cases and business case studies to illustrate the complex compliance challenges that multinational corporations face today in their worldwide operations and show potential solutions. Recent litigation against multinational corporations under the Alien Tort Statute is examined, as well as recent developments in select European jurisdictions. Briefly considered will be enforcement under the Foreign Corrupt Practices Act, relevant environmental regulations, and business best practices from different industry sectors. Guest speakers featuring leading experts in the legal, corporate, and U.N. field occasionally may appear by video conference in the classroom. This course will meet on the University Calendar (10-week Winter quarter) and generate 2.5 Law credits. Method of Evaluation: A one-draft 20-page paper. The paper can take the form of a normative research paper or a business case study. Law students may have the option of earning an additional .5 credit by writing a two- or three-draft 25 page paper. Consult with the professor if you seek to satisfy the academic writing requirement with the class. This option may be limited in case of high demand. Reading materials will be made available through Blackboard. *Additional Course Information:* Class dates follow University Quarter Schedule

**CONPUB 709 A New World Order: the Role of the United Nations in Advancing the Rule of Law and Human Rights (3 Credit Hours)** The primary subject of the course will be the law of the United Nations, with a particular focus on the legal pronouncements, actions and judgments in the international human rights realm of the UN's various Councils, commissions, committees and other bodies. The course is designed for students who wish to develop an in depth understanding of the legal processes at the UN bearing on international human rights and the rule of law. The course will explore these concepts in a number of contexts, including peacemaking/peacebuilding, economic development, environmental protection, advancing standards of health and conditions of work, and promoting cultural understanding among peoples. A primary focus during the course will be on specific case studies—both country based and thematic—involving the denial of human rights within nations and the efforts of UN treaty bodies and operational agencies, including the newly created Human Rights Council, to provide redress. Throughout the course, we will seek to look behind the façade of the UN organization and seek to determine the degree to which the organization is effective as a cohesive whole or, as some critics charge, merely a "sprawling array of fiefdoms" that is more interested in promoting internal or personal agendas than the mandates of the UN Charter and treaties. During the course we will relate the international principles to real world situations occurring over the years since the inception of the UN through present day. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 711 Practicum: Gulf Recovery Assistance (4 Credit Hours)** This course will give students the opportunity to provide legal assistance to Gulf Coast residents still suffering from the aftermath of Hurricanes Katrina and Rita. Under the supervision of attorneys from the Mississippi

Center for Justice (MCJ), students will spend 8-10 hours a week providing remote legal work in either the area of special education advocacy, or in the area of foreclosure mediation. Students will spend the second week of spring break in Mississippi working directly with their supervising attorneys from MCJ. In addition to the externship work, the class meets weekly in a seminar-length classroom session. Students will be required to keep a journal on their experiences. Readings and discussions will focus on legal issues in the wake of the hurricane disasters, public interest lawyering, skills training, client interviewing, community organizing and other professional and ethical issues unique to this type of practice. There will be a final presentation at the conclusion of the course.

**CONPUB 712S War and the First Amendment (2 Credit Hours)** What are the protections of the First Amendment during a time of terrorism and two foreign conflicts? Though that question encompasses the most contemporary of controversies - state secrets, wiretapping and WikiLeaks - it also implicates the most traditional issues at the intersection between law and communication in a democratic society: the proper balance between freedom and security, the conflict between societal concerns and individual rights, and the importance of communication to democratic governance and individual fulfillment. The American experience during times of war or foreign threat - and corresponding attempts to determine the contours of the First Amendment - has involved each of these issues. In this course, we will examine the intellectual rationales for dissent in a democratic society, canvass current issues, and then engage in an examination of several episodes: the passage and application of the Alien and Sedition Acts, the Civil War, World War I, World War II, the Cold War and Vietnam. Students will be encouraged to find similarities and differences between these episodes, in order to better understand: (1) the legal dimensions of America's history of dissent during wartime; (2) contemporary First Amendment controversies; (3) the role of free expression in a democratic society; and (4) the purposes of communication itself. At the end of the course, students will be required to complete a seminar paper. Pre-requisite or Co-requisite: Constitutional Law Enrollment in the course is capped at 15 students. Last day to drop this class is Thursday June 11 and last day to add is Friday June 12th. Dates: Monday, June 15: 5:30-9:30pm Tuesday, June 16: 5:30-9:30pm Wednesday, June 17: 5:30-9:30pm Monday, June 29: 5:30-9:30pm Tuesday, June 30: 5:30-9:30pm Wednesday, July 1: 5:30-9:30pm. *Additional Course Information:* Counts toward Appellate Law Concentration

**CONPUB 717 Reforming the Law of Evidence of Tanzania I (2-3 Credit Hours)** These seminars will continue the project of law reform in Tanzania that began during the 2011-2012 academic year, and that continued in 2012-2013. Professor Allen has been retained as the chief consultant on law reform by the Government of Tanzania, and its Parliament has funded a project to propose a complete reform of the country's law of evidence. This past year focused on the political economy of Tanzania and the limitations of the present law of evidence in Tanzania. Tanzania has an evidence code, the 1967 Tanzania Evidence Act, that is 90% word for word the 1872 Indian Evidence Act. Rather obviously, the 1872 Indian Evidence Act was not drafted in light of modern knowledge about law and evidence, nor to be responsive to the needs of Tanzanians. This past year has focused on such matters, with the seminar participants drafting a proposed replacement act to act as a catalyst for the conceptual change needed to modernize the law of Tanzania. The two seminars in 2013-14 will build on this foundation to extend the work done this year and in addition focus on the case for reform that goes beyond the law of evidence itself to the political economy of the legal system. Among the projects we will undertake is to

do careful comparative analysis both of the law of evidence of Tanzania and various countries and also the operation of the legal system itself. We will search for reliable data that accurately describe legal systems and try to obtain such data about Tanzania, such as relative cost, delay, efficiency, and accuracy. Projects that participants can do will range from improvements in this past year's work product to archival or empirical research on Tanzania. The past two years, I have taken those members of the Seminar (the "research and drafting team") who wished to go to Tanzania to meet with the Parliamentary committee that is charged with this task and to do research of various kinds. Both years, the School of Law has provided a generous subsidy to the students who wished to go, and I will ask for assistance for the next academic year as well. I cannot guarantee that School will have funds to provide such assistance, but I believe the Administration is enthusiastic about this project. Evidence is a co or a prerequisite for this class. Participation in the second semester seminar is limited to those who participate in the first semester seminar.

**CONPUB 717A Refining and Teaching the Evidence Law of Tanzania I (2-3 Credit Hours)** These seminars will continue the project of law reform in Tanzania that began during the 2011-2012 academic year. Professor Allen has been retained as the chief consultant on law reform by the Government of Tanzania, and its Parliament has funded a project to reform the country's law of evidence. The 1967 Tanzania Evidence Act is taken almost word for word from the 1872 Indian Evidence Act. Obviously, the 1872 Indian Evidence Act was not drafted in light of modern knowledge about law and evidence, nor to be responsive to the needs of Tanzanians. Over the past three years, the project has engaged in an intensive examination of the political economy of Tanzania and its social and cultural context, the limitations of the present law of evidence in Tanzania, and the drafting of a code to replace the archaic one in existence. This past year, the seminars, building on the work of the prior years, completed a Proposed Tanzania Evidence Code and presented it to the Tanzania Court of Appeals (the country's Supreme Court) over two days in Mwanza, Tanzania. At the end of the two days, the Court of Appeals decided unanimously to forward the Proposed Code to Parliament with the Court's recommendation of its adoption. The seminars this coming year will have two objectives: First, to work with the stakeholders in Tanzania to revise the Proposed Code as it is considered by Parliament, and second, to travel to Tanzania over spring break to teach the Judiciary and Bar the law of evidence. This will involve careful explanations of the conceptual and practical changes from the 1967 Tanzania Evidence Act to the Proposed Code and will introduce the details of the Proposed Code to the participants. To accomplish these purposes, the first semester seminar will involve bringing the students new to this project up to speed on the prior developments, the conceptual foundations of the law of evidence, and their embodiment in the Proposed Code. The students, working in teams, will begin to develop teaching materials and competencies in preparation for going to Tanzania in the spring literally to spread out across the country, again in teams, to teach the law of evidence. Both the Government of the United Republic of Tanzania and the School of Law are committed to the project and thus virtually all expenses will be covered. If for some good reason a student is not able or willing to participate in the trip to Tanzania, that is acceptable, but you should take these seminars embracing their ultimate goal. And please sign up for the first only if you are committed to taking the second. There is likely to be a conference at the School of Law in November that will focus on these developments, analogous developments in China, where Professor Allen has also been involved in law reform, and work done by Prof. Tom Geraghty on legal education and reform in various third world countries. If the conference materializes, the seminar participants will have active roles in it as well. Evidence is a co or a prerequisite for this class. The class enrollment is limited to



12. Participation in the second semester seminar is limited to those who participate in the first semester seminar, except by permission of the instructor.

**CONPUB 718 Reforming the Law of Evidence of Tanzania II (2-3 Credit Hours)** These seminars will continue the project of law reform in Tanzania that began during the 2011-2012 academic year, and that continued in 2012-2013. Professor Allen has been retained as the chief consultant on law reform by the Government of Tanzania, and its Parliament has funded a project to propose a complete reform of the country's law of evidence. This past year focused on the political economy of Tanzania and the limitations of the present law of evidence in Tanzania. Tanzania has an evidence code, the 1967 Tanzania Evidence Act, that is 90% word for word the 1872 Indian Evidence Act. Rather obviously, the 1872 Indian Evidence Act was not drafted in light of modern knowledge about law and evidence, nor to be responsive to the needs of Tanzanians. This past year has focused on such matters, with the seminar participants drafting a proposed replacement act to act as a catalyst for the conceptual change needed to modernize the law of Tanzania. The two seminars in 2013-14 will build on this foundation to extend the work done this year and in addition focus on the case for reform that goes beyond the law of evidence itself to the political economy of the legal system. Among the projects we will undertake is to do careful comparative analysis both of the law of evidence of Tanzania and various countries and also the operation of the legal system itself. We will search for reliable data that accurately describe legal systems and try to obtain such data about Tanzania, such as relative cost, delay, efficiency, and accuracy. Projects that participants can do will range from improvements in this past year's work product to archival or empirical research on Tanzania. The past two years, I have taken those members of the Seminar (the research and drafting team) who wished to go to Tanzania to meet with the Parliamentary committee that is charged with this task and to do research of various kinds. Both years, the School of Law has provided a generous subsidy to the students who wished to go, and I will ask for assistance for the next academic year as well. I cannot guarantee that School will have funds to provide such assistance, but I believe the Administration is enthusiastic about this project. Evidence is a co or a prerequisite for this class. Participation in the second semester seminar is limited to those who participate in the first semester seminar.

**CONPUB 718A Refining and Teaching the Evidence Law of Tanzania II (2-3 Credit Hours)** These seminars will continue the project of law reform in Tanzania that began during the 2011-2012 academic year. Professor Allen has been retained as the chief consultant on law reform by the Government of Tanzania, and its Parliament has funded a project to reform the country's law of evidence. The 1967 Tanzania Evidence Act is taken almost word for word from the 1872 Indian Evidence Act. Obviously, the 1872 Indian Evidence Act was not drafted in light of modern knowledge about law and evidence, nor to be responsive to the needs of Tanzanians. Over the past three years, the project has engaged in an intensive examination of the political economy of Tanzania and its social and cultural context, the limitations of the present law of evidence in Tanzania, and the drafting of a code to replace the archaic one in existence. This past year, the seminars, building on the work of the prior years, completed a Proposed Tanzania Evidence Code and presented it to the Tanzania Court of Appeals (the country's Supreme Court) over two days in Mwanza, Tanzania. At the end of the two days, the Court of Appeals decided unanimously to forward the Proposed Code to Parliament with the Court's recommendation of its adoption. The seminars this coming year will have two objectives: First, to work with the stakeholders in Tanzania to revise the Proposed Code as it is considered by Parliament, and second, to travel to Tanzania over spring

break to teach the Judiciary and Bar the law of evidence. This will involve careful explanations of the conceptual and practical changes from the 1967 Tanzania Evidence Act to the Proposed Code and will introduce the details of the Proposed Code to the participants. To accomplish these purposes, the first semester seminar will involve bringing the students new to this project up to speed on the prior developments, the conceptual foundations of the law of evidence, and their embodiment in the Proposed Code. The students, working in teams, will begin to develop teaching materials and competencies in preparation for going to Tanzania in the spring literally to spread out across the country, again in teams, to teach the law of evidence. Both the Government of the United Republic of Tanzania and the School of Law are committed to the project and thus virtually all expenses will be covered. If for some good reason a student is not able or willing to participate in the trip to Tanzania, that is acceptable, but you should take these seminars embracing their ultimate goal. And please sign up for the first only if you are committed to taking the second. There is likely to be a conference at the School of Law in November that will focus on these developments, analogous developments in China, where Professor Allen has also been involved in law reform, and work done by Prof. Tom Geraghty on legal education and reform in various third world countries. If the conference materializes, the seminar participants will have active roles in it as well. Evidence is a co or a prerequisite for this class. The class enrollment is limited to 12. Participation in the second semester seminar is limited to those who participate in the first semester seminar, except by permission of the instructor.

**CONPUB 720 Topics in Government Secrecy (2-3 Credit Hours)** This course introduces students to major mechanisms by which the executive branch keeps secrets, including the classification system, the doctrines of executive privilege and state secrets privilege, and secret circumventions of statutory requirements. The course will also introduce students to some of the major means by which secrecy is challenged, including the Freedom of Information Act, first amendment access and newsgathering claims, and whistleblower protection laws. Throughout the semester, we will discuss a number of recurring themes including the connection between government secrecy and constitutional theories of presidential power, the politics of secrecy and transparency and the role of constitutional discourse in the same, and the costs and benefits of secrecy and transparency. Prerequisites: Students should have completed constitutional law. Teaching Methods: Class Participation, Discussion, Lecture, Presentations, Readings, Research Project, Seminar, Writing Assignments Evaluation Methods: Attendance, Class Participation, Final Paper, Presentations Course Materials: Readings -- including judicial opinions and excerpts from books, law review articles, and congressional and other reports -- will be provided to students. All or most of the readings will be provided via a class website.

**CONPUB 722L Comparative Law (2 Credit Hours)** Most courses in law school are about U.S. law. This 7-week course is different. Convening from late January to mid-March, it focuses on foreign law. Obviously, foreign law matters to all U.S. lawyers operating on the international scene, for example in international business or in international arbitration. And just as evidently, foreign law is very important within national law. Indeed, a huge quantity of legal situations in the United States involve foreign law (whether it be a contract entered into in New York governed by Swiss law or a deceased person from San Francisco bequeathing real estate in France or the victims of a massive chemical explosion in India suing in U.S. courts). More controversially, there are many (including a number of U.S. Supreme Court Justices) who claim that, in an age of globalization when the United States is more interconnected with the rest of the world than ever before, U.S. law ought to derive inspiration

from foreign law, for instance in constitutional litigation involving the death penalty or the rights of sexual minorities. This course will apply itself to this debate and discuss to what extent foreign law can or must act as persuasive authority in the United States – in other words, why, if at all, foreign law ought to matter from a normative standpoint. This course will also consider a primordial question: how can a U.S. lawyer get to know foreign law despite all the cultural differences arising across laws? To what extent is meaningful understanding of foreign law possible? As regards this issue, various theoretical topics will be raised from an interdisciplinary perspective and some case-studies will be considered. Teaching: A combination of lectures and seminar discussion. Readings: Texts to be assigned in class (all materials will be made available electronically). Assessment: "Take-home" examination (good class participation, broadly understood, will be considered by the instructor to improve the examination result). There is the possibility of substituting a seminar paper with the prior approval of the instructor. Prerequisites: None (specifically, no prior knowledge of foreign law or of a foreign language is expected). Comparative Law will meet Mondays and Wednesdays from Monday, 29 January to Wednesday, 14 March 2018. *Additional Course Information:* Meets Perspective Elective degree requirement

**CONPUB 724 Constitutional Design in the Muslim World I (3 Credit Hours)** This year-long seminar will study the social, cultural, religious, and historical aspects of constitutional design in the Muslim world, including countries such as Iran, Egypt, Tunisia, Sri Lanka, Pakistan, India, Bangladesh, Turkey, Indonesia, and Malaysia. Early classes will focus on classic jurisprudential debates-what is a constitution and what is its purpose-and will provide background on various forms of constitutionalism in general and in the Muslim world in particular. After these introductory sessions, classes will take on the nature of a colloquium: Invited speakers will present papers contextualizing constitutional design by drawing on deep knowledge of individual countries. Invited commentators will engage with the material and explore the course's broader themes. Students will read these papers in advance, prepare commentaries, and then participate actively in the discussion when the invited speaker comes to class. In the final four weeks of the course, students will present their own substantial papers on a topic related to the themes of the course. Students in this seminar will receive detailed and extensive comments on their writing projects, which will involve a process of three drafts. Professors Delaney and Stilt will assist students in finding appropriate outlets for publication if (as they hope) the final work is of sufficient quality. There is no required textbook for this course. Reading material for the course will be posted to Blackboard and will consist of various articles and book chapters, as well as the specific colloquium papers presented by the invited speakers. *Additional Course Information:* Meets Perspective Elective degree requirement

**CONPUB 725 Constitutional Design in the Muslim World II (3 Credit Hours)** This year-long seminar will study the social, cultural, religious, and historical aspects of constitutional design in the Muslim world, including countries such as Iran, Egypt, Tunisia, Sri Lanka, Pakistan, India, Bangladesh, Turkey, Indonesia, and Malaysia. Early classes will focus on classic jurisprudential debates-what is a constitution and what is its purpose-and will provide background on various forms of constitutionalism in general and in the Muslim world in particular. After these introductory sessions, classes will take on the nature of a colloquium: Invited speakers will present papers contextualizing constitutional design by drawing on deep knowledge of individual countries. Invited commentators will engage with the material and explore the course's broader themes. Students will read these papers

in advance, prepare commentaries, and then participate actively in the discussion when the invited speaker comes to class. In the final four weeks of the course, students will present their own substantial papers on a topic related to the themes of the course. Students in this seminar will receive detailed and extensive comments on their writing projects, which will involve a process of three drafts. Professors Delaney and Stilt will assist students in finding appropriate outlets for publication if (as they hope) the final work is of sufficient quality. There is no required textbook for this course. Reading material for the course will be posted to Blackboard and will consist of various articles and book chapters, as well as the specific colloquium papers presented by the invited speakers. *Additional Course Information:* Meets Perspective Elective degree requirement

**CONPUB 726 Public Corruption & the Law (3 Credit Hours)** Enforcement of anti-corruption laws has spiked in recent years, both in the United States and around the world. Governments at all levels have increased legal and investigative resources to address both public officials who accept bribes in exchange for official actions, and those who pay the bribes. Nevertheless, the ongoing series of high-profile convictions suggests that corruption continues unabated. This course will explore U.S. and international laws concerning corruption and analyze whether these laws have achieved a deterrent effect. Specifically, we will examine U.S. laws and precedent on bribery and honest services fraud, ranging from local examples including recent Illinois governors to the international corporate bribery criminalized by the Foreign Corrupt Practices Act; analogous caselaw in other common law jurisdictions, including India, South Africa, and the United Kingdom; and multilateral treaties such as the OECD Anti-Corruption Convention and the United Nations Convention Against Corruption. Special attention will be paid to the roles of corruption in the Arab Spring and anti-corruption activists, including investigative journalists and NGOs. Evaluation Method: Class participation; exam Class Materials: Behind the Beautiful Forevers, by Katherine Boo (paperback version available for purchase at Abbott Hall); all other material available on class Canvas site. *Additional Course Information:* Meets Perspective Elective degree requirement

**CONPUB 726A Corruption and Natural Resource Management in Mozambique (1 Credit Hour)** This one credit clinical class is available to students concurrently enrolled in Public Corruption and Law. The class will be advising the Attorney General of Mozambique and the World Wildlife Fund on best practices in anti-corruption law and policy as applied to Mozambique's considerable natural resources. This option is limited to 8 students. Students can only enroll in this option if they are enrolled in Public Corruption and the Law. This course will be available for enrollment with the start of add/drop for Spring 2019. The class number to self enroll is TBD.

**CONPUB 727 Liability and Enforcement in Criminal and International Law (2-3 Credit Hours)** This seminar examines accountability in international and criminal law. The course will begin by unpacking the term "accountability". Dictionary definitions of accountability typically involve the condition of being liable, answerable, or responsible. Yet, when applied to international and criminal law, understanding (1) who monitors the action, (2) who is liable for a behavior, (3) the processes and standards for which the accountable behavior is judged, and (4) the effects of breaching those standards, the situation becomes more complex. After discussing the conceptualization of accountability, the bulk of the course focuses on the difficulties of achieving accountability in the international system, a setting where in certain cases, the rule of law is weak. Specific attention is given to challenges in achieving domestic accountability with international law, obtaining compliance with international courts, and in increasing accountability with human rights.

The course then examines challenges in international and domestic criminal law, giving students close exposure to static and dynamic theories of deterrence, and focusing on the challenge of regulating crimes of addiction. Although there will be a focus on works by legal scholars, the course will also be interdisciplinary in its approach to certain topics, relying on works from the humanities and social sciences. Specifically, the course will explore works from political science that will shed light on topics such as the design of international institutions, the relationship between international and domestic law, and the role of reputation in the international system. Works in philosophy and economics that lay the groundwork for deterrence will also be discussed. As a result, this course fulfills the "Perspective Elective" requirement. Course Materials: All of the readings will be available in a course reader ("CR") available at the Northwestern Bookstore in Abbott Hall and on Blackboard. I may assign additional readings throughout the semester. These readings will be posted on Blackboard, and I will provide copies for you as well. Response Papers: Three response papers of 3-4 double-spaced pages (approximately 750-1,000 words) are required in reaction to the week's readings. These are due the Monday before seminar at 4:00 p.m. Chicago time. The three papers will count toward 20 percent of your final grade, with each response paper comprising roughly 6.67 percent of the final grade. Papers should be sent via email to me and to my assistant, Aaron Horton. Class Participation: Participation in class will count for 10 percent of the final grade. Class participation grades will be based on quality of the participation during class, rather than on quantity. Throughout the semester, I will mainly call on volunteers, but I reserve the right to call on those who do not volunteer to ensure relatively even participation. Class Presentation: We will reserve the last few class meetings for class presentations. You will be required to present a current draft of your paper and also do a 10-15 minute presentation to the class. The presentation is designed to provide constructive feedback on your paper, and therefore will not count toward the final grade. Note that we may have to schedule 1-2 extra sessions for presentations based on the number of students enrolled in the class. Final Paper: A final paper of approximately 20-25 double-spaced pages (5,000-6,250 words) is due by 4:00 p.m. Chicago time on May 4. The paper will count toward 70 percent of the final course grade, and all paper topics must be approved by me in advance. *Additional Course Information:* Meets Perspective Elective degree requirement

**CONPUB 728 Local Government Practice: Land Development Process (2 Credit Hours)** This practice-based and practice-oriented course will provide an in-depth examination of the inner workings of local governments and the land development process. Taught by two local government practitioners, the course involves a review of both legal requirements and strategic elements for all of the various players (e.g., hearing bodies, corporate authorities, developers, neighboring property owners, advocacy groups, and related governmental districts) who may be engaged in a land use or zoning entitlement proceeding. The course will also review some of the tools of land development (e.g., annexation, zoning, planned developments, subdivision, TIF, economic incentives, intergovernmental agreements) and strategies for action outside of the municipal process (e.g., land use litigation and other agency review). The course will use as a tool for presenting these concepts the setting of a village board meeting to provide a practical and interactive perspective with role-playing to complement the limited reading assignments. This course is designed for any student with an interest in the practice of land use and interactions with local governments. It will focus on the practical aspects of representing local governments as well as representing those who appear before, or seek relief from, local governments. The course instructors are partners in the local government and land use area at Chicago law firms. Both taught the course with the late Professor Dawn

Clark Netsch, and both provide real-time experiences of representing, and appearing before, local city councils and village boards. Evaluation Method: There will be a mock village board public hearing at the end of the semester in which all students will have a specific role to play (Mayor, developer, objector, etc), and a related single draft final paper. Grades will be based on performance in the mock village board meeting, the related paper, and class participation during the semester. Class Materials: selected excerpts from: (1) Madelker, Netsch et al., *State and Local Government in a Federal System* (7th Ed.) [ISBN 978-1-4224-7770-0]; and (2) Babcock, *The Zoning Game* [ISBN 0-299-04094-1].

**CONPUB 729D Practicum: Public Service (4 Credit Hours)** The goal of this Practicum is to provide students with a theoretical and practical understanding of issues faced by attorneys practicing in non-profit and government settings. The assigned readings cover a variety of topics related to public service law practice. Students participate in a weekly seminar where they discuss the readings and their work at the placement agency. In addition, students spend a minimum of 180 hours during the summer in an externship with a non-profit public interest legal organization or government agency of their choosing in the Chicago area. The externship must start no later than the first week of June and last for a minimum of six weeks (ideally eight weeks or longer). Students must be doing legal work supervised by an attorney. All rising second and third year students who have a qualified unpaid placement are eligible to participate in the Public Service Practicum. Students are responsible for finding their own externships and must have secured an externship in order to enroll in the class. Each externship placement must be approved by the professor teaching the course. The class will begin in May and meet weekly through early August. This section of the Practicum is a distance course, taught on-line in a primarily synchronous manner. In addition to the weekly online classes from May through early August, the class will meet in person several times before the summer break and again in August. NOTE the following rules for distance courses: -You may not enroll in more than one distance course in any term, including the summer term. -You may earn no more than 12 credits in distance courses towards the JD degree. Registration Requirements: Students must get the faculty member's permission to enroll in the class once they have accepted an unpaid externship with a non-profit or government agency doing legal work supervised by a lawyer. Students may not receive any payment from any source for the externship. Students may take the Public Service Practicum only once; students who have previously taken the Summer Public Interest Practicum may not enroll. Evaluation Methods Students will keep reflective journals about their externship and issues covered in the class. Students will be evaluated based on their journals, class attendance and participation, and a final paper or presentation. Class Materials Course materials will be provided on Blackboard. *Additional Course Information:* Requires Practicum Placement

**CONPUB 729S Practicum: Public Service (4 Credit Hours)** The goal of this Practicum is to provide students with a theoretical and practical understanding of issues faced by attorneys practicing in non-profit and government settings. The assigned readings cover a variety of topics related to public service law practice. Students participate in a weekly seminar where they discuss the readings and their work at the placement agency. In addition, students spend a minimum of 180 hours during the summer in an externship with a non-profit public interest legal organization or government agency of their choosing in the Chicago area. The externship must start no later than the first week of June and last for a minimum of six weeks (ideally eight weeks or longer). Students must be doing legal work supervised by an attorney. All rising second and third year students who have a qualified unpaid placement are eligible to participate in the Public Service Practicum. Students are



responsible for finding their own externships and must have secured an externship in order to enroll in the class. Each externship placement must be approved by the professor teaching the course. The class will begin in June and meet weekly through the end of July. Registration Requirements: Students must get the faculty member's permission to enroll in the class once they have accepted an unpaid externship with a non-profit or government agency doing legal work supervised by a lawyer. Students may not receive any payment from any source for the externship. Students may take the Public Service Practicum only once; students who have previously taken the Summer Public Interest Practicum may not enroll. Evaluation Methods Students will keep reflective journals about their externship and issues covered in the class. Students will be evaluated based on their journals, class attendance and participation, and a final paper or presentation. Class Materials Course materials will be provided on Blackboard. *Additional Course Information:* Requires Practicum Placement

### **CONPUB 730 Race, Social Science, and the Law (3 Credit Hours)**

This interdisciplinary seminar will examine the scientific and legal foundations for and legal implications of race and racial bias, with an emphasis on three legal domains: (1) criminal law, (2) segregation, integration, and affirmative action, and (3) discrimination law. Each of these domains, in different ways, highlights the relationship between legal standards for decision making and the psychological science on how people think about legal and policy issues through a filter of race. The intersection of race with class and gender will be discussed as well. Throughout the course, students will read, discuss, and evaluate the pertinent legal standards and assumptions in the context of the contemporary psychological science. This seminar will leave students with the ability to find, evaluate and apply social science research to legal questions broadly, while also considering the particular application at the intersection of race, social science, and law. *Additional Course Information:* Meets Perspective Elective degree requirement, Satisfies Research Writing degree req

**CONPUB 731 Fair Housing Basics (2 Credit Hours)** This class will introduce you to the federal Fair Housing Act, the primary federal law prohibiting housing discrimination. You will learn about the Act's passage, amendment, its substantive coverage, and a little bit about how claims under the Act get litigated. The class has two goals for you: learn about fair housing, and learn-intimately-what a holding is and how to use one. Registration Requirements: No prerequisites. Evaluation Methods: Grade based on 30% on a two-hour exam (open book); 30% class participation; 40% short, regular writing assignments. Class Materials: Students will not need to purchase anything for the class. Materials will be provided online.

### **CONPUB 732 Telecommunications and Internet Policy (3 Credit Hours)**

This seminar focuses on regulation of the companies that provide the infrastructure and service of Internet communications, as well as some of the principal services provided over them. In an earlier era, we called these companies telephone companies, cell phone companies, satellite companies, and cable television companies. To their ilk, we today add search engines (Google), content distribution networks (Level 3), and new data companies. In this seminar, we will tackle the three foundational issues for this policy space: First, how do these technologies work? Second, what are the business models that are built on these technologies? And, third, what should be the government reaction to the technology and business models - both in the sense of whether there should be any regulation at all, what that regulation should be, and what regulatory bodies should be relevant. We will look at modern issues such as Net Neutrality, Search Engine Regulation, Spectrum Reform, Interconnection, and Universal Service, to name a

few. We will dip into the rich history of communications regulation as necessary to address these issues. We will also touch on the related markets of content and applications providers -- what people actually use broadband network for. No technical background nor any background in economics is required, although a willingness to grapple with both will be useful. Method of evaluation: class participation, short class presentation, and research paper. This seminar will satisfy the Research Writing requirement. *Additional Course Information:* Satisfies Research Writing degree req, Counts toward Business Enterprise Concentration

**CONPUB 733 Law and Morality in War (1 Credit Hour)** The course presents the traditional just war theory, as it is developed in Michael Walzer's *Just and Unjust Wars*. We will then study two cosmopolitan critiques of the traditional regime. Both take the traditional theory to be statist and therefore flawed. The first critique targets the law that allows states to have obedient armies and to defend their political independence and territorial integrity by waging wars that involve killing. The second critique targets the legal permission conferred on soldiers to take part in unjust wars, and to kill combatants who fight with a just cause. Finally, I will present my contractarian case for the traditional war convention, which presents it as a fair, mutually beneficial (and therefore morally valid) contract between decent states. Note: This is a 1 credit course that will only meet on the following dates: 9/24, 9/25, 10/1, 10/2, 10/8, 10/9, 10/15, and 10/16.

**CONPUB 734 Discrimination Law (3 Credit Hours)** This survey course will provide an overview of federal constitutional and statutory anti-discrimination law in a range of contexts, including education, voting, housing, and employment. This course will also encourage students to consider the proper role of the law in addressing discrimination and inequality, as well as social science perspectives underlying understandings of discrimination and prejudice given the increasing importance of these issues in contemporary anti-discrimination law jurisprudence and public policy discourse. The focus of this course will be on discrimination based on race and sex, but some attention will also be given to discrimination based on other characteristics, including sexual orientation and disability. Over the course of the term, we will explore topics such as competing frameworks for antidiscrimination law, including anti-classification and anti-subordination approaches to equal protection; constitutional and statutory doctrines, including disparate treatment and disparate impact; the roles of courts, legislatures, administrative bodies, and private actors in addressing discrimination; models of bias; and justifications for affirmative action.

**CONPUB 735 Human Trafficking (2 Credit Hours)** This seminar will explore the legal and policy issues raised by human trafficking. This seminar will explore federal and state law aimed at combatting and addressing human trafficking through the lens of actual human trafficking prosecutions. The seminar will explore human trafficking in various forms: labor trafficking; sex trafficking of minors; sex trafficking by force, fraud, and coercion; state, federal, and international responses; remedies and services for human trafficking victims and survivors; and corporate accountability. The seminar will be divided into two segments. The beginning of the course will examine the basics of human trafficking laws by focusing on learning the substantive elements and understanding the various statutes that can be used to pursue a human trafficking prosecution. The remainder of the course will address human trafficking law through in-depth case studies of actual federal prosecutions. We will analyze the use of various statutes used in those cases from indictment through the stages of a trial to the appeal. Students will apply legal principals learned during the first segment to an evaluation of real cases. There will be guest speakers during the seminar who will broaden our understanding of different aspects and

challenges of combatting human trafficking. At the conclusion of the course, students will then have the opportunity to synthesize all that they have learned during the semester by reviewing a hypothetical case and then drafting a prosecution memorandum that analyzes the facts presented and evaluates the strengths and weaknesses of potential charges. *Additional Course Information:* Satisfies Prof Writing degree req

**CONPUB 736 Food Law and Policy Seminar (3 Credit Hours)** This new seminar will explore the role of law and policy in the contemporary food system. We will examine the local, state, and federal regulation of food, and sample policy topics from among the broad array of health, environmental, social, and cultural issues involving the contemporary food system. Topics may include the legal and policy issues underlying: animal welfare, banned foods, food safety, labeling and marketing, obesity and nutrition, sustainability, and urban agriculture. Readings will include cases, legislation, regulations, scholarly articles, and policy articles. Individual papers and presentations will permit in-depth exploration of a topic of interest for each student. Evaluation method: class participation, a class presentation, and a final research paper. Materials: Readings will be compiled by the instructor. This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 737 Legal Issues in Arab-Israeli conflict (3 Credit Hours)** The Israeli-Arab conflict has for decades been a major foreign policy issue. Arguments about various positions in the conflict frequently focus, perhaps more than most geopolitical disputes, on questions of public international law. This seminar closely examines the legal issues and studiously avoids the policy ones. Topics will include the underlining questions of territorial sovereignty and borders; the role of U.N. Resolutions; Israeli settlements and the ICJ Wall case; refugees; Palestinian self-determination; Oslo and subsequent agreements; the status of Gaza and the Palestinian government; the role of the International Criminal Court; and the conduct of hostilities by all sides, including issues relating to the recent Gaza War. Attention will also be paid to the U.S. legal approach to these issues. An emphasis will also be placed in putting these issues in a wider or comparative perspective in relation to other conflicts where they arise. Students will be expected to participate actively in class discussions and to write a research paper on one of these issues. It is recommended but not required that participants have taken, or be taking, a more general course in international law. This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 738 The Roberts Court (2 Credit Hours)** In this seminar, we will analyze the Roberts Court. This is one of the most interesting periods in Supreme Court history, and this course offers a behind-the-scenes look at the Court's operation. We will start by studying the Court's current membership and how it selects cases. Each student will be assigned to a particular Justice and will be responsible for learning about his/her jurisprudence. We also will learn about at least one case pending this Term and will simulate the Justices' judicial conference. Students will be responsible for classroom presentations and discussion of cases, as well as a final paper. *Additional Course Information:* Counts toward Appellate Law Concentration

**CONPUB 739 Foundations of Free Expression (2 Credit Hours)** This seminar will explore the theoretical and doctrinal foundations of free expression and the First Amendment through examination of both case law and scholarly works. The class will focus on many of the most current and controversial issues of modern free speech, including campaign finance reform, protection for commercial speech, advocacy of unlawful conduct, intellectual property, freedom of the press, and freedom

of association. There are no prerequisites for the class. Both students who have taken the First Amendment course and students who have not taken that course may register for the seminar. The final grade for the course will be based on a combination of class performance (25%) and a seminar paper (75%).

**CONPUB 740 Policing Chicago's Communities: Examining historical & current practices & analyzing for reform (2 Credit Hours)** The seminar will allow students to examine the various legal and policy reform issues related to the current police misconduct crisis in Chicago. The course will be comprised of lectures and discussion led by NU faculty and guest speakers. Grades will be based on participation during class discussion (30%) and a 10 page research/reflection paper that either that promotes a particular police reform or an alternative to policing (70%). Students are expected to familiarize themselves with the readings in advance of class. For every class after the introductory class 2-3 students will be responsible for presenting to the class key points related to the readings. For all reports and Department of Justice Findings Letters, students are only required to read the executive summaries. The course will run from May 16-18 and meet from 9am to 12pm and 1pm to 5pm. Last day to add the course is 5/16. Students must drop before the second class session begins to avoid a "W."

**CONPUB 741 Trade Secrets Seminar (3 Credit Hours)** This seminar will examine the law that governs the protection of trade secrets and other confidential information. This body of law is of increasing importance and will be changing greatly over the next decade. The goal of the seminar is to get a sense of where trade secret law has been and where it is going given the passage of the federal trade secrets statute. We will also examine the linkages between trade secret, patent law, and cybercrime. Most of the reading for the seminar will consist of trade secret case law, to be supplemented by some interdisciplinary readings on trade secrecy protection. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 742 Law, Geography & the City (1 Credit Hour)** At the center of the seminar lies the question of the relationship between the space we live in - the material, the social and the mental - and our legal system. Does space construct the law, is it constructed by the law, or maybe they shape each other. Philosophical, sociological, and political theories, as well as city planning schemes were developed in order to understand the way space influences both the human subject and its social forms of organization. The Seminar will explore these theories in light of the legal, economic, political and social processes that have been taking place in the last centuries. The seminar will deal with the dialectical relationships between law and space and its impact on central social issues such as segregation, class relations and political participation. The class will involve a participation grade and a final paper. Please note the course will only meet on the following dates: 9/22, 9/23; 9/29, 9/30; 10/6, 10/7; 10/13, 10/14.

**CONPUB 743 The Law of Whistleblowing (3 Credit Hours)** Whistleblowing is the deliberate revelation of information regarding alleged wrongdoing within an organization, a government agency, or even a law firm. The perceived wrongdoing includes violations of company or government policy, fraud, corruption and threats to public safety. While this course will provide a broad overview of the state and federal laws addressing whistleblowing as it applies to lawyers and to constituents of organizations or government entities, we will primarily delve into the ethics and morality surrounding whistleblowing. This is a highly interactive course and we will use recent whistleblowing cases as a basis

for discussion and further study. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 744 Separation of Powers (2 Credit Hours)** This seminar will examine the separation of powers. We will ask why the Founders included separation of powers as a cornerstone of our constitutional design, and we will evaluate whether and how the Supreme Court's jurisprudence furthers the values that the separation of powers is meant to protect. Among other topics, we will consider congressional power to control spending and to compel executive testimony before Congress, the unitary executive theory and executive privilege, the non-delegation doctrine and the modern administrative state, and the modern war on terror. We will pay particular attention to the Obama presidency and ask what role the separation of powers plays (or should play) in issues like the 2008 financial crisis and its aftermath, the use of drones to target and kill American citizens, and immigration reform. Students will be evaluated based on their participation and two writing assignments, an 8-10 page paper during the course of the term and a 15-20 page paper at the conclusion of the term. *Additional Course Information:* Counts toward Appellate Law Concentration

**CONPUB 745 People v. Juan Rivera, A Case Study (2 Credit Hours)** Juan Rivera was charged with the rape and murder of a child in 1992, a crime for which the State sought the death penalty. He was later found innocent, with a seemingly unimpeachable alibi, later corroborated by forensic DNA analysis. But he was nonetheless convicted by three separate Lake County, Illinois juries. Over nineteen years after his arrest, having been incarcerated for that entire time, Mr. Rivera was released from prison after the Illinois Appellate Court declared that no rational jury could have found proof of guilt beyond reasonable doubt, and vacated his conviction in a ruling that barred prosecutors from trying him again. The tools and methods utilized by law enforcement to secure these convictions, and the role played by the judiciary, will be central themes of this seminar. The investigative techniques on both sides, the legal issues which predominated at these trials, along with ongoing tactical and ethical considerations, will provide the framework for discussion and study. Testimony, pleadings, and other materials generated from these trials will constitute some of the readings, along with related articles and court opinions. There will also be guest speakers for selected topics. Class participation and a final paper will be the basis of grading. A substantial number of students and lawyers, including several on the Bluhm Legal Clinic faculty, advocated for Juan Rivera in the years after his second trial and at his third trial. This course will be taught by one of those faculty, Jeffrey Urdangen. Prof. Urdangen has been the Director of the Clinic's Center for Criminal Defense for the past 13 years, and was a principal on the defense team for Mr. Rivera's third trial.

**CONPUB 746 Regulation: Theory and Practice (1 Credit Hour)** Economic and social regulation is prevalent in our society. This 1-credit seminar is intended to provide students with the tools to understand and appreciate regulated industries and regulatory agencies. Specifically, the students will learn about how and why the government regulates. The aim of the course is to prepare the students: (i) to better understand the economic, political, and institutional perspectives of regulation, (ii) to equip them to think critically about regulation and engage in policy debates. The reading materials will cover history of regulation, theories of regulation, agency rulemaking, cost-benefit analysis, judicial oversight of regulation, presidential administration of regulation, and theories of deregulation. Grades will be based on response papers, class participation, a 5-page policy paper, and short student presentations. **IMPORTANT NOTE:** This one-credit seminar will meet on the following dates: 1/11, 1/18, 1/25, 2/1, 2/8, 4/5, and 4/12.

**CONPUB 747 State Constitutional Law and Contemporary Public Policy (3 Credit Hours)** In this course, we will examine how state constitutional law creates the frameworks and conditions for the development of public policy in the American states. Our focus will be on (1) the structure of state and local governmental power under the rubric of state constitutions and constitutional law, as constrained and empowered by federal law; and (2) the performance of public authorities under this law and structure, this in dealing with some of the key public policy issues of our time. In particular, we will look at education, fiscal policy, including taxation, distribution, and the pension crisis, electoral processes, and criminal justice. We hope that from this close analysis will come a deeper understanding of the connection between the so-called "parchment barriers" embodied in our state constitutions and the real world of policymaking in modern government. The assignments will include two perspective papers, to be completed during the term, and one final research paper. This seminar will be co-taught by Dean Daniel Rodriguez (Northwestern) and Dean Vikram Amar (University of Illinois). This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 748 Fair Housing ? Policies, Litigation, and Mediation (2 Credit Hours)** The class will allow students to examine the intersection between federal, state, and local housing policies, housing discrimination, segregation, and the effects of gentrification. Leading cases in fair housing litigation will be examined and the process of investigation and litigation of fair housing cases will be reviewed. The class will also expose students to alternative dispute resolution in the housing context, and students will participate in a mock fair housing mediation. Over the course of the term, we will explore federal housing laws and regulations, including the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973. Specific regulations that will be discussed include the Department of Housing and Urban Development Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity (LGBT) rule, Affirmatively Furthering Fair Housing rule, and the Discriminatory Effects Rule. During class discussions, students will also analyze the impact of criminal history on housing choice. No pre-requisites. The course grade will be based on class participation (30%) and a 20-25 page seminar paper (70%). There is no final examination. Note: students who have taken Fair Housing Basics are welcome to register for this class as it is not duplicative. Class materials will be provided online. Class Materials (Suggested) Getting To Yes by Roger Fisher and William Ury (ISBN:0-14-015735-2)

**CONPUB 749 LGBT Law (2 Credit Hours)** This seminar examines the treatment of gender, sexual orientation and related questions of sexuality and identity in the U.S. legal system. The course emphasizes constitutional jurisprudence and theory with a particular focus on the First Amendment and the equal protection and due process guarantees, and statutory antidiscrimination provisions. Topics covered include marriage rights, student speech, the definition of sex under the equal protection guarantee and statutory antidiscrimination provisions, the rights of students to access sex segregated facilities, public and private workplace concerns, rights of intimate and expressive association, and asserted conflicts between religious liberty and nondiscrimination principles. No prerequisite but a constitutional law course preferred. Students will be asked to select from hypothetical fact patterns based on concepts discussed in class, and to author an appellate brief argument as a paper. Class Materials: Course Packet.

**CONPUB 750 Constitutional and Statutory Interpretation (3 Credit Hours)** Analyzing text is a deeply important part of legal practice in public law, whether statutory or constitutional law. It cuts across a wide variety of subject matter areas, from very basic aspects of the



Constitution to any statutory topic imaginable. Whatever the subject matter, whether health care law, presidential emoluments, or internet privacy, certain problems of legal analysis recur. How should courts analyze legal texts? Where should judges go to look for meaning when the text is vague or ambiguous? Should texts be updated to reflect current norms? What does it mean to look for the drafter's intent? Should approaches toward statutory and constitutional text be symmetrical or not? This seminar will introduce students to these problems and provide essential skills for reading both constitutional and statutory text. Materials will be provided by the instructor and will include insights gained from linguistics, political science, philosophy, and behavioral economics. Students will choose an appellate or Supreme Court case/cases to work through these questions and as the basis for a final paper. This seminar satisfies the Research Writing requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 751 Contemporary Dilemmas in International Humanitarian Law: Targeting and Occupation (1 Credit Hour)** International Humanitarian Law (IHL), or the law of armed conflict, is the body of international law regulating the behavior of belligerents during armed conflict. As such, it covers a wide array of wartime activities, from the conduct of hostilities to humanitarian access and assistance. In recent times, however, this body of rules is under significant strain, as most contemporary conflicts are not "traditional" inter-state wars, but rather asymmetric conflicts between states and non-state actors, sometimes occurring under military occupation. Such conflicts challenge many of the basic principles of IHL to the core. This course focuses on two specific aspects of IHL, which give rise to many contemporary controversies: targeting and occupation. After a general introduction to contemporary IHL, we will spend several sessions on issues relating to targeting, such as distinction and the status of combatants; targeted killings and the status of members of organized armed groups; military objectives; proportionality, and precautionary measures. We will then move to discuss some issues relating to the law of occupation, such as the beginning and end of occupation; the authority of the occupying power; and the prohibition on the transfer of population to occupied territories. In our sessions, we will frequently discuss examples from the Israeli-Palestinian conflict, arising, in recent years, from the fighting in Gaza, as well as from Israeli practices in the West Bank, such as construction of settlements. Professor Eliav Lieblich is visiting from Tel Aviv University Buchmann Faculty of Law. Students who enroll in this course may also enroll in the 3-credit, International Law: Law of War (CONPUB 706 offered in the Spring), and students who have previously taken that course may take this seminar. This is a 1-credit seminar that will meet Wednesdays and Thursdays 4:00-5:50 on the following dates: 9/20, 9/21, 9/27, 9/28, 10/4, 10/5, 10/11, and 10/12.

**CONPUB 752 Economic Liberty & the Constitution (3 Credit Hours)** The Constitution protects fundamental rights. Once these rights were understood to include the right to engage in economic activity - to freely buy and sell in an unregulated market. The Supreme Court has sometimes embraced that idea, and sometimes has retreated from it. In this class we will examine the trajectory of the idea of economic liberty, examine various historical articulations of it, and consider contemporary efforts to revive it. This course meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 753 Cybersecurity (2 Credit Hours)** This seminar will examine how corporate actors are required to respond and notify around a data breach incident. Students will be put in the roll of corporate advisors, assisting fictional clients that are faced with data incidents. *Additional Course Information:* Satisfies Prof Writing degree req

**CONPUB 754 Cybercrime (3 Credit Hours)** This seminar will explore the legal issues raised by cybercrime. Topics will include: computer hacking and other computer crimes, the Fourth Amendment and civil liberties in cyberspace, the law of electronic surveillance, the freedom of speech online, the Fifth Amendment and passwords, technological tools used to combat cybercrime, encryption, and international cybercrime. Registration Requirements: No previous experience is required. Evaluation Method: Students are required to participate in class sessions, prepare short response papers, and write a paper on an approved topic. Grading in the course will be based on classroom participation (25%), discussion papers (35%), and the final paper (40%). Class Materials: The readings for the course will be available online. This course satisfies the RW requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 755 Global Freedom of Expression and the Press (3 Credit Hours)** Global Freedom of Expression and the Press This seminar will examine how policymakers, legislatures, and courts around the world are grappling with new and troubling issues in expression and press freedom in a highly digitized era. In contexts shaped by Wikileaks/Snowden shockwaves and by their own histories, precedents, practices, and forms of governance, nations are beginning to draw new boundaries for expression and press freedom with different, sometimes oppressive lines. These include, for example, increasing use of speech crimes to punish journalists and the use of anti-terrorism, national security, and public order laws to restrict or censor their work. But even in countries with democratic ideals, difficult questions get asked. Is a magazine's right to publish a cartoon satirizing a religious figure worth the fatal retaliatory aftermath? What should be the legal response, if any, to the rise of giant superstructures for disseminating information and opinion that enable the use of social media to magnify hate speech, manipulate elections, and sow discord with "fake news?" Is Facebook a threat to democracy? We will further explore how press law and policy in global jurisdictions are evolving amid heightened tensions between freedom of expression and other fundamental rights, such as those to reputation and privacy, including the right to be forgotten. We will also examine the role and efficacy of United Nations mechanisms and mandates to protect freedom of expression and opinion, including those of the Human Rights Council and its special rapporteurs. And we will analyze the impact of a growing global network of NGOs, litigators, and academics seeking to affect media law reforms through strategic campaigns and litigation, particularly in regional courts such as the European Court of Human Rights and the African Court on Human and Peoples' Rights. Method of evaluation: Class participation, research paper, and in-class presentation. This seminar will satisfy the research writing requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CONPUB 756 Business Organizations and the Foreign Corrupt Practices Act (1 Credit Hour)** The Foreign Corrupt Practices Act (FCPA) is a top legal and compliance concern for business organizations - both public and private and across a variety of industry sectors - doing business in the global marketplace. This course provides an overview of the FCPA, its enforcement, and compliance best practices and provides students a fundamental skill-set for advising clients in this niche area. A preferred prerequisite is that a student has completed his/her first year of law school. LLM students are welcome. The final grade will consist of 10% participation and 90% a closed book, no notes final exam consisting of bar-exam style multiple choice questions, short answers and issue-spotting essays. Text will be either Mike Koehler, "The Foreign Corrupt Practices Act in a New Era," (Edward Elgar Publishing - 2014) or Mike Koehler, "Strategies for Minimizing Risk Under the Foreign Corrupt

Practices Act and Related Laws," (Edward Elgar Publishing - Scheduled for Publication Sept. 2018)

**CONPUB 800 Administrative Law (2.5 Credit Hours)** This course is taught in the Executive Program only.

**CONPUB 801-L Introduction to U.S. Constitutional Law and Legal Structure (2 Credit Hours)** This course provides a survey of US Constitutional Law with an emphasis on the structural aspects of the Constitution. Also included will be examinations of court structure, procedure, jurisdiction and federal practice.

**CONPUB 801E Constitutional Law (2.5 Credit Hours)** A survey of US Constitutional Law, with an emphasis on the structural aspects of the Constitution. Also included will be examination of substantive due process, equal protection, and the First Amendment. The book will be Choper et al., *Leading Cases in Constitutional Law* (Thomson West 2007).

**CONPUB 801I Introduction to Constitutional Law (1.25 Credit Hour)** In this course we will examine the structure of the American Legal system. Topics to be covered include: Foundations of the Legal System, including common law, the US Constitution, statutes and codification; Structures of American Law, including legislative, executive and judicial branches.

**CONPUB 803I International Human Rights Law (2 Credit Hours)** The course on international human rights law is an introductory survey course drawn from the casebook by Steiner, Alston, and Goodman entitled, *International Human Rights in Context* (3rd edition, Oxford University Press, 2008). Students examine human rights concepts, the influence of customary international law, state responsibility, general principles, the interwar minorities regime, the role of treaties, the Nuremberg trials, the codification of human rights principles in a number of major treaties since World War II, civil and political rights, economic, social, and cultural rights, national security and terrorism in the context of human rights, torture law, cultural relativism, religious rights, freedom of expression and dress, international criminal tribunals, the United Nations human rights system (including the UN Human Rights Council and the UN High Commissioner for Human Rights), treaty bodies such as the ICCPR Human Rights Committee, the European, Inter-American, and African systems, universal jurisdiction, corporate social responsibility litigation and global comparisons. There will be an open-book exam at the end of the course.

**CONPUB 806I U.S. Free Speech Law (2 Credit Hours)** This course will study the constitutional protection of free expression by the First Amendment of the U.S. Constitution. The questions to be examined will include: (1) Why do we choose to provide special protection to free expression? (2) How do we distinguish, on both intellectual and practical levels, between protected expression and unprotected conduct? and (3) When, if ever should government be deemed to have power to regulate activity appropriately characterized as expression? Specific doctrinal issues to be considered include advocacy of unlawful conduct, false statements of fact, obscenity, offensive speech, threats, speech owned by others, commercial advertising, regulation of campaign finance, the rights of association and non-association, and government acting in special capacities such as landlord or subsidizer.

**CONPUB 807M Contemporary issues in Internet and Privacy Law I (1 Credit Hour)** In this course, we consider some key issues of global importance in law & technology, with special focus on the internet, including matters of privacy, cybersecurity, and equal access. Assessment will be based upon a short final paper. Executive Program Only. Madrid Instruction.

**CONPUB 808M Contemporary issues in Internet and Privacy Law II (0.5 Credit Hour)** In this course, we consider some key issues of global importance in law & technology, with special focus on the internet, including matters of privacy, cybersecurity, and equal access. Assessment will be based upon a short final paper. Executive Program Only. Madrid Instruction.

**CONPUB 809M Contemp iss.in Int&Priv Law (1 Credit Hour)** In this course, we consider some key issues of global importance in law & technology, with special focus on the internet, including matters of privacy, cybersecurity, and equal access. Assessment will be based upon a short final paper. Executive Program Only. Madrid Instruction.

**CONPUB 896 Intensive Practicum (9 Credit Hours)**

**CONPUB 897 Intensive Practicum Seminar (3 Credit Hours)**