

# PROPERTY AND TORT LAW (PPTYTORT)

---

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.

**PPTYTORT 530 Property (3 Credit Hours)** This course is an introduction to the law of real property. It explores the original acquisition of entitlements to property; different theories of justification for the institution and distribution of property; the Anglo-American system of estates in land; the law of trespass and nuisance; private and public mechanisms of land use control; landlord-tenant law; and public regulation of property, including housing discrimination and eminent domain.

**PPTYTORT 550 Torts (3 Credit Hours)** This course provides an introduction to the way that American society deals with injuries through the legal system. It focuses on established doctrines of tort liability, including intentional torts, negligence and strict liability, and theories currently at the judicial frontier. Another major subject of concern is defenses based on the plaintiff's conduct. The course also seeks, in an introductory way, to set tort remedies in a broader perspective that includes compensation legislation and safety regulation. Among other things, the course provides an introduction to basic techniques of legal analysis, and constantly frames tort cases in the context of modern civil procedure. As its predecessor courses did, it describes the effect of modern socioeconomic concepts on the development of tort law and the operation microeconomic theory to legal issues, as well as a consideration of moral aspects of the law of injuries.

**PPTYTORT 555 Torts (Intellectual Property Program) (3 Credit Hours)** This course provides an introduction to the way that American society deals with injuries through the legal system. It focuses on established doctrines of tort liability, including intentional torts, negligence and strict liability, and theories currently at the judicial frontier. Another major subject of concern is defenses based on the plaintiff's conduct. The course also seeks, in an introductory way, to set tort remedies in a broader perspective that includes compensation legislation and safety regulation. Among other things, the course provides an introduction to basic techniques of legal analysis, and constantly frames tort cases in the context of modern civil procedure. As its predecessor courses did, it describes the effect of modern socioeconomic concepts on the development of tort law and the operation microeconomic theory to legal issues, as well as a consideration of moral aspects of the law of injuries.

**PPTYTORT 600 Land Use and Other Urban Issues (2-3 Credit Hours)** This seminar will focus on the legal role of cities. Cities (and towns, villages, etc.), the built environments surrounding us, are the locations where we all interact daily, and where our property rights are situated. As a result, cities play a vital part in enabling economic prosperity, meaningful social lives, and democratic participation. In exploring these varying - and sometimes competing - roles of cities, we will analyze the myriad of problems current urban (as well as suburban and sometimes even rural) spaces face. Many of these are related to the different services cities provide: citizens rely on cities for education, land use controls, transportation, public spaces such as parks, public housing, police, and more. We will address, in turn, the general and specific legal and policy challenges relating to all these topics. We will also examine

questions pertaining to local economic development, suburbanization, the emergence of the ghetto, regionalism, and planning. The course will rely not only on legal literature, but also on works in urban studies from the fields of economics, sociology, planning, the political sciences, and education. Students can take the seminar to satisfy any of the Law School's writing requirements, in accordance with their preferences. Those opting to use the course to satisfy the one draft, rather than two or three drafts, requirement, can do so either with one paper or a series of short response papers. Paper topics can be drawn from the discussion materials, or from elsewhere in local government law, land use and planning, or property. Teaching Method: Lecture, discussion Prerequisites: Property Text Materials: Materials will be handed out at class. Students may either pick up printouts from my office every week or download them from the course website. *Additional Course Information:* Meets Perspective Elective degree requirement

**PPTYTORT 602 The Law and Practice of Land Development: Working on a Project in Chicago (2 Credit Hours)** This practical seminar will combine class discussion with actual work on a major real estate project. Our goal is to gain an understanding of real estate development both through a discussion of the law, its background, and current trends, and through actual work on development as it is taking place now in Chicago. The relevant project on which we will draw for practical experience is the redevelopment of the Cook County (Stroger) Hospital (decided by the Cook County Board of Commissioners in the spring of 2014). One of the largest development projects to be undertaken in the city over the past few years, the project will transform a site of ten acres held by the Cook County Hospital. The project will include a new hospital, medical office buildings, other major commercial and retail structures, open spaces, and more. The seminar will combine work on the specific project with a discussion of real estate development in a major city such as Chicago in the early 21st century. In class meetings we will discuss issues and readings dealing with the general issues of land development, as well as the specific project at hand. The students will also do work on the project for the county. Such work may involve real estate transactional work (surveys, negotiations with other parties, financing, etc.) and the land use and zoning process (i.e., preparing the plan, interacting with relevant government authorities and community stakeholders, including issues pertaining to the historic landmark status of the old hospital). Grading will be based on participation as well as a limited number of brief response papers addressing either the readings or the student's work on the project. For more information on the project at the heart of the seminar, "The Cook County Hospital Strategic Redevelopment", see, for example: <http://chicago.curbed.com/archives/2014/10/08/retail-offices-residences-hotels-proposed-for-cook-co-hospital-site-reuse.php#more> Note: Property is a pre-requisite for this course.

**PPTYTORT 609 Environmental Appellate Advocacy Workshop (4 Credit Hours)** This class will introduce students to the challenges and opportunities of appellate advocacy in a highly technical field. Working closely with Environmental Nonprofit Organizations, students will craft amici and other briefs in some of the most interesting and contentious environmental cases today. The course will explore how to navigate complex statutes and regulations, how to make cogent plain language arguments despite the statutory and regulatory complexity, how to present scientific and statistical information to a lay audience, and the role of policy arguments in a statute- and science-driven field. Registration Requirements: There are no prerequisites, but Environmental Law is recommended. Evaluation Method: Grading will be based on a combination of class participation (25 percent, which includes participation in class, weekly meetings with the instructors, and meetings with clients) and the final brief. The briefs will be complex, and students

will be expected to spend 12-15 hours per week, outside of class, working on them. Class Materials: Readings will be supplied by the instructors prior to the first class.

**PPTYTORT 610 Environmental Law (3 Credit Hours)** In this course, we will consider various legal regimes governing human relationships with the environment. We begin with longstanding principles of the common law and then expand to consider the major federal statutes that have come to dominate the field. Drawing on principles of ethics, ecology, economics, and the science of risk assessment, we will analyze the regulatory regimes governing air and water pollution, hazardous waste, and toxics. We will study some of the most hot-button issues in the field, including the remediation of hazardous waste sites, informational approaches to regulation, and the enforcement of environmental statutes through citizen suits. We will also learn the practical, problem-solving art of lawyering in this complex and fascinating field. Teaching Method: Class participation, Discussion, Lecture, Readings Evaluation Method: Attendance, Class Participation, Final Exam Course Materials: Required: Percival, *Environmental Regulation* (ISBN 9780735584624) Supplemental: Percival, *Environmental Regulation Statutory Supplement* (ISBN 9780735590649) *Additional Course Information:* Open to First Year Students, Counts toward Business Enterprise Concentration

**PPTYTORT 611 Environmental Law Seminar (2-3 Credit Hours)** This seminar provides an opportunity for students to explore new developments in environmental and energy law that are changing the strategies used by attorneys representing regulators, regulated entities and public interest organizations. Students will learn about new legal approaches to redevelop brownfields, access renewable energy, construct green buildings, assert the green attributes of products, employ environmental management systems to operate in international markets, implement habitat conservation plans, and other state-of-the-art approaches that achieve environmental quality and economic sustainability. Students will write and present legal research papers on related topics they find of interest. Students are also given the alternative to focus their research on legal issues arising from cases in which the course instructor is representing environmental advocacy groups in the Chicago area. In some cases, this will include interaction with students from Northwestern's School of Civil and Environmental Engineering who are working on technical aspects of cases.

**PPTYTORT 612 Risk and Environmental Decision-making (2-3 Credit Hours)** At the heart of many of the "tough" decisions that public policy makers, lawyers and judges, and business leaders face in the environmental area is how to address uncertainty surrounding factual information and judgements needed to make decisions. In other words, how to deal with risk. Examples of risk in the environmental context range from USEPA deciding at what level to set a health-based ambient environmental standard to a business leader trying to gauge how much money the future clean up of contaminated property will add to a contemplated acquisition. This seminar will address how risk is and could be addressed in decision making involving environmental issues that arise in the public policy, judicial and business arenas. We look at both how risk is identified and measured, how it is incorporated into a decision-making regime, and how it is managed once the decisions are made. We will start by examining the nature of risk itself and an overview of the regulatory structure and policy issues presented in the environmental area. We will next examine different types of risks and how they arise in different types of environmental issues. Among the types of risks we will look at will be risks presented by existing but unknown facts or information; scientific unknowns, judgment and uncertainties; predicting future events; and the intersection of these and other risks in both simple and complex systems. The environmental issues that we

will examine will include air, water and land contamination, predicting both human health and environmental impacts from pollutants, and long-term global ecological problems such as greenhouse warming and the potential environmental changes therefrom. We will look at these risks and environmental issues from the perspective of different decision-makers, including legislative and regulatory, judicial, and business. We will conclude by discussing different criteria and approaches to address risk in environment decision-making and, once decisions are made, manage risk on an on-going basis. Each student will be expected to participate in classroom discussions and prepare a paper at the end of the course. Method of evaluation: Research Paper This course will be taught on the University ten-week calendar.

**PPTYTORT 613 Environment, Clean Energy and Sustainable Development (3 Credit Hours)** One key opportunity and challenge for our society and government policymakers at all levels is how to construct policies that support both environmental progress - healthier air and cleaner water, and open space with diverse habitat - and economic growth together. This challenge is compounded by the growing realization that we must have policies that meet not just immediate needs, but future generations' needs as well by reducing carbon pollution that causes destructive climate change and by preserving natural resources both for their future use and their own intrinsic value. We will focus special attention on both the legal authorities and limitations under the Constitution and federalist system that policymakers, litigants and the public face in trying to achieve this goal. In this seminar, we will be learning about and discussing clean energy development policies and financing solutions that are accelerating in the United States and global markets, and the newly emerging "clean energy law," "climate change law" and "environmental constitutionalism" as federal courts increasingly review, for the first time, the constitutionality of federal and state environmental and energy statutory standards. For example, what are the limits under the Commerce Clause, Supremacy Clause and the 10th Amendment on federal actions to encourage state clean energy and environmental policy actions, and in what circumstances should there be federal preemption of states' energy policy initiatives? Do the Commerce Clause and the Supremacy Clause affect state standards for new renewable energy development, and state subsidies for otherwise uneconomic old nuclear power plants to keep running? Can a state enact a renewable energy standard requiring utilities to purchase a percentage of their electricity supply from wind power and solar energy and specify that those resources be principally provided from in-state generators? What are the constitutional and statutory lines of demarcation between the Federal Energy Regulatory Commission's and state Public Utilities Commissions' regulatory authority for transmission siting and pricing, and for energy efficiency and demand response? What challenges are presented by a federal system of government, based on state boundaries, in regulating energy generation, which produces commodities (i.e., electrons) and pollution that cross those boundaries? What are the benefits versus risks and harms of inconsistent standards in Justice Brandeis' "fifty laboratories of democracies"? This seminar will take place in "real time" while: (1) There is rapidly developing clean energy case law as key new decisions are being issued by the United States Supreme Court and other courts in this area of emerging law; (2) The federal courts are reviewing EPA's Clean Power Plan, other Clean Air Act standards, and other environmental standards; (3) The Trump Administration is moving to fundamentally change environmental and energy policies, but the federal Production Tax Credit for wind power and Investment Tax Credit for solar energy remain in force; (4) State and municipal governments are moving to implement clean energy development policies and innovative financing approaches; (5) Market forces and technological innovations - more energy efficient lighting, appliances and equipment, low-priced

natural gas, and improving wind power and distributed solar energy and energy storage - are reshaping traditional energy markets and putting new economic pressures on aging baseload coal and nuclear plants; and (6) The private sector is accelerating investments in cleaner energy developments and strategies. Course requirements are engaged class participation (33% of grade) and a final paper of 25-35 pages (67% of grade) on a seminar-related topic of the student's choice. There are no prerequisites for the seminar although a previous environmental law or natural resources law class, and constitutional law and administrative law course(s), will be helpful. This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**PPTYTORT 614 Structuring Transactions: Environmental Law (2 Credit Hours)** This section of Structuring Transactions is designed to provide students with an overview of the environmental aspects of real estate and commercial transactions. Emphasis is on the practical aspects of buying and selling real property and businesses; in other words, how to get the deal done, but also to protect one's client from environmental liability. Students will develop the skill set to recognize and identify the environmental risks inherent in any business transaction, and quantify and allocate those risks in the context of a deal. Drafting projects, mock negotiation modules and associated class discussion of those projects will enable students to systematically analyze environmental business risks, develop their own toolkit of contractual provisions to properly address and allocate environmental issues. By the conclusion of this class, students will have been exposed to understanding and drafting the environmental provisions of asset purchase and sale agreements, stock purchase agreements, real estate agreements, indemnification agreements, mortgage and lender documents, and environmental consulting and access agreements. *Additional Course Information:* Satisfies Experiential Learning degree req, Satisfies Prof Writing degree req

**PPTYTORT 615 Hazardous Waste (2 Credit Hours)** The focus of this seminar is federal law regulating the generation, transportation, and disposal of hazardous waste. The seminar examines the historical development of the federal statutory regime for hazardous waste regulation, including the varied institutional and political forces that have shaped the substance and structure of federal law in this area. The Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation and Liability Act will be featured. Legal issues currently arising under these laws will be studied, including developments pertaining to criminal as well as civil liability. Evaluation: Each class member will represent one client throughout the semester and will participate in simulations of negotiations and litigation procedure. Teaching Method: Lecture, simulation and demonstration Texts: Prerequisites:

**PPTYTORT 617 Energy Law and Policy (3 Credit Hours)** This is a survey law class on Energy Law. The class will cover the legal, regulatory and policy frameworks governing energy production, transmission and use in the United States. The course will include energy economics, public utility regulation, ratemaking and pricing, energy type-specific regulation, regulation of electricity, alternative and clean energy sources, the interplay between energy and environmental policies and international energy issues. Registration Requirements: No prerequisites for this class. Knowledge of administrative law, environmental law, and basic economics are helpful but not required. Evaluation Method: Evaluation will be based primarily on a final examination. Class participation will be considered and will benefit (but not reduce) the final grade. Class

Materials: Energy, Economics And The Environment (3rd Edition), F. Boesselman, et. al., Foundation Press (2010) (ISBN 978-1-59941-722-6)

**PPTYTORT 618 Natural Resources (3 Credit Hours)** The natural world is coming under increasing strain. It is estimated that by the year 2050, two entire Earths will be required to meet the human demand for natural resources. How we manage those resources will therefore become an increasingly urgent issue. In this course, we examine the legal structures and policy debates surrounding such hot-button issues as endangered species, protected lands, and water rights. We will explore the role of federal constitutional and statutory law, as well as state common law, in shaping the protection and exploitation of the natural world.

**PPTYTORT 620 Family Law (2 Credit Hours)** This course examines the regulation of family relationships by the state, including obligations in an intact family, the law of marriage and dissolution of marriage, property division and spousal maintenance upon divorce, alternative child custody standards, the enforcement of child support awards, nontraditional families, adoption, and several issues of legal parentage, including parentage of children conceived by assisted reproduction. *Additional Course Information:* Open to First Year Students

**PPTYTORT 624 Innovation Theory & Intellectual Property (3 Credit Hours)** This seminar will provide an overview of theories of innovation developed in several fields, including economics, psychology, and sociology of science and technology. The seminar will focus on understanding each disciplinary approach to innovation and analyzing efforts to incorporate these theories of innovation into the design of patent law. We will begin by examining traditional economic approaches to innovation and discussing how these insights have been incorporated into patent theory. We will then question the adequacy of these traditional approaches to innovation in light of findings from psychology regarding intrinsic motivation and creativity, and from sociology regarding collective innovation. We then discuss whether and in what ways current findings in economics, psychology, and sociology should lead us to recalibrate the patent system. We will end by considering other tools available to foster innovation, including government grants and prizes. **PRE-REQUISITES/RESTRICTIONS:** PPTYTORT 650 Intellectual Property Survey or PPTYTORT 651 Patent Law are recommended (but not required). *Additional Course Information:* Satisfies Research Writing degree req

**PPTYTORT 625 Estates and Trusts (3 Credit Hours)** This course involves the study of (a) the law of intestate succession; (b) the law of wills, including execution, revocation, will contests, problems arising from changes in circumstances after execution, problems involving the use of will substitutes, problems of will interpretation, and marital property rights as a limitation on the power to devise; and (c) the law of trusts, in both its functional and technical aspects, including the essential ingredients of a trust, its creation and termination, formal requirements, the nature of a beneficiary's interest, the special features of charitable trusts, and the fiduciary duties of trustees. *Additional Course Information:* Open to First Year Students

**PPTYTORT 628 Intellectual Property Antitrust (3 Credit Hours)** As intellectual property has grown in importance, the interaction between antitrust law and intellectual property has developed into a crucial part of the legal landscape. The course addresses both the rights of authors and inventors and the interest of society in promoting competition, expanding its base of knowledge, improving technology, and protecting consumer welfare. Hence, the course focuses upon appropriate limits that should be placed on the exercise of intellectual property rights. The course covers the misuse doctrine in patent and copyright law, as well as major cases and materials applying antitrust law in the patent, copyright, and

trademark context. These issues are currently the subject of considerable public debate and litigation. The course also covers statutory excerpts from the relevant provisions of antitrust and intellectual property law, and the complete DOJ/FTC intellectual property licensing guidelines. No pre-requisites.

**PPTYTORT 629 Patent Litigation Involving Non-Practicing Entities (2-3 Credit Hours)** The course will focus on patent holders who do not practice their patent. Discussion topics will include business models of patent holders, litigation strategies of cases involving non-practicing entities, arguments for and against non-practicing entities, and various law reform proposals relating to non-practicing entities. The course is intended to give students a greater understanding of the fundamental concepts and issues of patent litigation. Another objective of the course is that students learn some practical patent litigation skills that will aid them in their transition to successful attorneys. A technical background is not expected or required for Patent Litigation Involving Non-Practicing Entities. However, it is required that students have previously taken Patent Law. Pre-requisite: taken Patent Law. Evaluation Method: Seminar paper, participation in classroom discussions. Class Materials: I will assign various articles and portions of articles and government reports for reading and discussion.

**PPTYTORT 630 Tort and Products Liability (3 Credit Hours)** The objective of the seminar is to prepare students to deal with tort and products issues that arise in a variety of practices, including general litigation and corporate practice as well as tort and insurance practice. This preparation includes critiques of written work aimed at preparing people to do the intensive writing that all young lawyers must do. *Additional Course Information:* Counts toward Business Enterprise Concentration, Satisfies Research Writing degree req

**PPTYTORT 635 Torts II (3 Credit Hours)** This course presents a variety of tort issues that confront lawyers in many areas of practice, including general litigation and corporate practice as well as tort and insurance practice. The practical aim of the course is to give students a head start on making partners and clients think of them as useful, by sensitizing students to issues that will arise in such contexts as: - Assessment of chances of liability and damages - Recently developing theories of tort - Client advice on liability avoidance - Analysis of legislation in the tort area For students who wish to continue with the subject matter of the traditional torts course, which historically has been a full-year offering, this course will examine a raft of practice-oriented questions. These include: DAMAGES: An intensive review of problems of economic loss, noneconomic loss, including pain and suffering, and punitive damages. As part of this unit, we will examine wrongful death and survival statutes. PROOF: General principles of proof in tort cases, including: - Sufficiency of the evidence - Circumstantial evidence, including *res ipsa*, both generally and in medical applications - Rules concerning expert testimony generally - The new, burgeoning law on proof of scientific causation APPORTIONMENT OF DAMAGES – A specially developed unit, of particular practical importance: - Liability imposed on multiple defendants when the particular responsible party cannot be identified. A small but sophisticated body of law. - How liability is divided among tortfeasors. Of everyday use for lawyers in a variety of practices. - Apportionment between tort defendants and workers' compensation employers DUTY AND PROXIMATE CAUSE - The effect of violations of statutes where the apparent purpose of the statute does not include the injury at issue - Intervening criminal acts (E.g., murder for hire from magazine ads; liability of possessors of handguns) - Negligent infliction of emotional distress, including the general argument about whether this is an appropriate tort action - The "bystander witness" problem - Liability to rescuers - Liability for economic loss: A growing staple of litigation

for both tort and commercial litigators - The duty to act: A philosophical problem with many practical shadings ENVIRONMENTAL TORT LAW - Private nuisance - Public nuisance MEDIA TORTS. An analysis of several problems: - General defamation standards - Constitutional defamation standards - The "fact/opinion" distinction (a particularly subtle set of issues) - "Privacy" torts ascribed to media: Liability for using people's likenesses, for making up nondefamatory stories about them, and the question of when, if ever, it is proper to allow suit for the publication of truth INTERFERENCE WITH ECONOMIC RELATIONSHIPS: A staple of different kinds of law practice, including commercial practices WRONGFUL DISCHARGE: A relatively new tort, or group of torts, which generates a substantial amount of litigation; heavy on policy issues. COMPENSATION SYSTEMS: Legislative compensation schemes such as: - Workers compensation - Automobile no-fault plans - Medical compensation schemes - Even broader accident compensation systems - The September 11th Victim Compensation Fund This segment of the course asks the student to think about the controversies currently raging about the tort system. What are the justifications for the doctrines analyzed in the course? Can a more desirable system be devised than we have now? This material provides a policy frame for the tort issues that constitute the bulk of the course. Some of it has direct application to law practice. It is also designed to introduce students to the sorts of issues they may deal with in legislative lobbying. SUITS AGAINST GOVERNMENTS AND OFFICIALS -The Federal Tort Claims Act -Governmental duty to act -Officers - liabilities and immunities -The "constitutional tort" Teaching Method: Lecture Films / videos: audio tapes Presentations: brief presentation on compensation plans Discussion Evaluation Method: Exam, final Attendance: frequent absence may count negatively Class participation: excellent class participation counts Writing assignments: one small advocacy paper on compensation plans Class Materials (Required): Shapo & Peltz, *Tort & Injury Law* (3d ed. 2006 Carolina Academic Press) ISBN-13: 978-0890892053 Pre-requisite: Torts is a pre-requisite. *Additional Course Information:* Open to First Year Students, Counts toward Appellate Law Concentration

**PPTYTORT 640 Insurance Law (3 Credit Hours)** Insurance is one of the most important tools for the management of risk by both private and public enterprises. Insurance law is a hybrid of contracts and administrative law: parties enter contractual relationships which are regulated by the state. The course introduces students to the core principles and institutions of insurance. We will approach insurance law from a law and economic perspective, aiming to understand how insurance institutions affect economic behavior of insureds, insurers and their lawyers. Broad issues to be covered include fraud, moral hazard, adverse selection and other types of divergence of incentives. We will build on these theoretical issues and attempt to understand the various doctrines developed by common law courts as strategies to deal with these problems. In addition, the course provides knowledge of basic insurance law governing insurance contract formation, the interpretation of insurance contracts, insurance regulation and more, especially in areas such as property, life, health, disability, automobile (including uninsured motorist coverage), professional and liability insurance. *Additional Course Information:* Open to First Year Students

**PPTYTORT 641 Medical Innovation I (3 Credit Hours)** Medical Innovation is an interdisciplinary course that exposes students to the innovation process and teaches them many of the business, technical, teamwork, presentation and other related skills necessary to be successful in that process. In the context of simulating a startup healthcare company, students will experience the various stages of the innovation life cycle from ideation to prototyping, to legal protection, to business plan development, and, finally, to investor presentation. The course is

offered as part of Northwestern University's NUvention program. The course involves students and faculty from four schools: Law, Medicine, Engineering, and Business. Students work in teams including at least one member from each school; each team operates under the supervision of an advisor. While learning about market opportunities in health care, value propositions, what investors are looking for, needs identification, regulatory pathways, reimbursement, and many other topics, teams are challenged to develop or identify a novel and viable product that solves an unmet healthcare need. Students will conduct research to uncover compelling clinical problems, generate ideas to solve those problems, and ultimately settle on the preferred solution. Next, teams create a tangible prototype of their solution and undertake the necessary steps to plan for commercial development. They investigate suitable legal protection and technology transfer issues, they prepare a plan for protecting and/or using IP, and they prepare a business plan. At the conclusion of the program, teams present their inventions and business plans to a panel of sophisticated potential investors and development partners. **PRE-REQUISITES/RESTRICTIONS:** JD and LLM students only Enrollment is by permission only. *Additional Course Information:* Satisfies Experiential Learning degree req, Class dates follow University Quarter Schedule

**PPTYTORT 642 Medical Innovation II (3 Credit Hours)** Medical Innovation is an interdisciplinary course that exposes students to the innovation process and teaches them many of the business, technical, teamwork, presentation and other related skills necessary to be successful in that process. In the context of simulating a startup healthcare company, students will experience the various stages of the innovation life cycle from ideation to prototyping, to legal protection, to business plan development, and, finally, to investor presentation. The course is offered as part of Northwestern University's NUvention program. The course involves students and faculty from four schools: Law, Medicine, Engineering, and Business. Students work in teams including at least one member from each school; each team operates under the supervision of an advisor. While learning about market opportunities in health care, value propositions, what investors are looking for, needs identification, regulatory pathways, reimbursement, and many other topics, teams are challenged to develop or identify a novel and viable product that solves an unmet healthcare need. Students will conduct research to uncover compelling clinical problems, generate ideas to solve those problems, and ultimately settle on the preferred solution. Next, teams create a tangible prototype of their solution and undertake the necessary steps to plan for commercial development. They investigate suitable legal protection and technology transfer issues, they prepare a plan for protecting and/or using IP, and they prepare a business plan. At the conclusion of the program, teams present their inventions and business plans to a panel of sophisticated potential investors and development partners. Each week, on Wednesday evenings from 6:00-9:00, the Medical Innovation class sessions will address topics vital to each stage of the innovation and commercialization processes, using case studies, lectures, and guest speakers. There will be time set aside during the Wednesday evening sessions for teams to meet, discuss issues, and strategize about where they are in the process. Most Wednesday evening classes in the Fall quarter will be held on the Chicago Campus; most Wednesday sessions in the Spring quarter will be held on the Evanston Campus. There may also be one or two classes held off-campus. In addition to the Wednesday evening classes, the law students will meet separately in the law school on a regular basis - biweekly - to learn about and discuss the legal issues involved at the various stages of development. Though the law students are full founding members of their companies - and not the legal counsel for their companies - team members will look to the law students for guidance on the legal issues involved in commercial development (just as the teams will look to their

engineering students to lead on prototyping issues, and to their business students for guidance in developing business plans); the separate law school class provides the opportunity for the law students as a group to learn about and discuss those issues. The law school classes will meet on Wednesdays at a time to be determined. Medical Innovation runs for 6-months - from fall quarter through winter quarter; the course begins mid-September and ends in mid-March. Students are required to enroll for both quarters; each quarter will constitute a separate course for enrollment and transcript purposes - Medical Innovation I & II - which together satisfy 6 law school credit hours. Class attendance is required, and students must commit in advance to attending the pitch presentations at the end of each quarter. The Fall quarter pitch presentation will take place during the law school exam period and the Winter quarter pitch will take place in March. The law school instructors for the Medical Innovation course are Professor Esther Barron and Professor Darren Green, and there will also be an adjunct professor to assist with intellectual property issues. The course is open to 2Ls, 3Ls, and LLM students and there are no formal prerequisites. We are looking for students with a variety of backgrounds and experiences; the course is especially suited to students with an interest in at least one of these areas: health care, business, entrepreneurship, and/or intellectual property. Students interested in this course should fill out a course application, which can be linked to from the NU Law Registration and Records website, under: forms. Students whose applications are accepted and enroll in the course will be charged 75 bid points per semester. Grades will be based on: the overall team project, the individual student's contribution to the overall team project, the quality of each law student's performance on the separate law school assignments throughout the course, class participation and performance in the separate law school class, and participation and performance in the larger Medical Innovation classes. *Additional Course Information:* Satisfies Experiential Learning degree req, Class dates follow University Quarter Schedule

**PPTYTORT 643 Structuring Transactions: Patent Prosecution (2 Credit Hours)** This seminar offers an introduction to the art and science of preparing and prosecuting patent applications before the United States Patent and Trademark Office. The objective is to give participants an introduction to the legal issues they are likely to encounter as a patent prosecutor. Written Assignments Prepare claims on various inventions. Prepare a specification. Prepare responses to Office Actions. Other in-class assignments will take place throughout the semester. Class Participation Participation will affect the quality of the class, and it is expected that students will be prepared for an open discussion of the topics being covered. Because class discussion will be important, please contact one of the professors in advance if you are unable to attend a session. Students will be asked periodically to prepare in-class presentations. Grading The final grade in the course will be based on the grades received for the written assignments, class attendance, and participation (including presentations). Materials Text Book: Ronald Slusky, *Invention Analysis and Claiming: A Patent Lawyer's Guide* (2007). Additional handouts and downloads to be provided throughout the semester.

**PPTYTORT 644 Structuring Transactions: Music Law (2 Credit Hours)** COURSE DESCRIPTION: This course will introduce the student to the legal and business aspects of the music industry, focusing on how value is created in music entertainment properties (copyrights, trademarks, identity rights, contractual rights, and data) and how transactions involving those properties are structured. Business areas studied will include recording and music publishing agreements, management and agency relationships, licensing, merchandising, distribution,

touring, sponsorship, and the developing areas of digital music. **PRE-REQUISITES/RESTRICTIONS:** PPTYTORT 650 Intellectual Property and either BUSCOM 602L Corporations or BUSCOM 601S Business Associations are recommended, but not required. *Additional Course Information:* Satisfies Experiential Learning degree req

**PPTYTORT 645 Colloquium: Environmental Law (3 Credit Hours)**

Earth's changing climate promises to be the defining issue of the 21st century, and how humanity responds may well determine the fate of many nations. In this colloquium, we examine the scientific basis for climate projections and explore the basis for mitigation measures such as carbon taxes and cap-and-trade schemes. Recognizing that some amount of climate change will occur regardless of what humanity does now, we also study the emerging science and policy of climate change adaptation—how to enact policy measures to adapt to the sea level changes, drought/flood cycles, species migrations, and other climate-related effects that threaten a significant percentage of the world's population. Finally, we examine public perceptions of climate change and the relationship between mitigation and adaptation in shaping those perceptions. **Registration Requirements:** While having taken Environmental Law is helpful for understanding these issues, it is not a prerequisite. **Teaching Methods:** Class Participation, Discussion, Guest Speakers, Readings **Evaluation Methods:** Attendance, Class Participation, Papers, Presentations This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**PPTYTORT 647 How Innovation Diffuses in the Legal Industry (2 Credit Hours)**

There is substantial evidence that the legal profession is gradually giving ground to a broader legal industry that encompasses both lawyers and sophisticated professionals from other disciplines. Although this was partially expected in the United Kingdom and Australia, where the regulatory structure was changed to permit non-lawyer ownership of law firms, innovation is also flourishing in the US market. Indeed, despite the fact that the U.S. legal market has not deregulated, it is emerging as a market leader in several important areas of legal innovation. Despite signs of rapid change and market disruption, there is also a powerful counter-narrative among commentators and the legal press that focuses on the seeming glacial pace of change in law, particularly among large law firms that continue to prosper under a business model that is nearly 100 years old. There is some validity in both perspectives, yet no unifying theory that accounts for all the change - and lack of change - we are seeing. The purpose of this course is to begin to assemble a relatively accurate and useful framework for understanding and analyzing the changing legal market. Students who take this course and do all of the requisite work will have a grasp of the legal market on par with many industry leaders. **PRE-REQUISITES/RESTRICTOINS:** This course is open to JD,LLM, and MSL students. Section 1 is for JD/LLM STUDENTS Section 2 is for MSL students only.

**PPTYTORT 650 Intellectual Property (3 Credit Hours)** This course introduces students to the constitutional, statutory and common law bases for rights in intellectual property. It provides a foundation for students who plan to take further courses in the area and an overview for students who do not plan further coursework in this area. Our primary focus will be on trademarks, copyright, and patents, but we will also touch on related topics (e.g., trade secrets, dilution) to provide a larger picture of intellectual property protection, its rationale, and its effects. **Teachng Method:** Lecture and discussion **Evaluation:** Final examination. *Additional Course Information:* Open to First Year Students, Counts toward Business Enterprise Concentration

**PPTYTORT 651 Patent Law (3 Credit Hours)** This course is designed to make Patent Law accessible to students of all backgrounds, from

the liberal arts to the hard sciences. The course will first explore the normative justifications for protecting intellectual property generally, and for patents in particular. Then it will address the core legal rules of Patent Law, beginning with Patent Law's process-oriented disclosure requirements; continuing with the substance-oriented requirements of novelty, non-obviousness, and utility; and ending with debates about the subject matter eligible for patent protection. The course will next examine patent enforcement, including infringement and remedies. Finally, the course will explore appellate practice before the United States Court of Appeals for the Federal Circuit and the complex choice of law problems that are presented by this national appellate forum for patent cases. *Additional Course Information:* Counts toward Business Enterprise Concentration, Open to First Year Students

**PPTYTORT 652 Copyright Law (3 Credit Hours)** This course provides an overview of U.S. copyright law. Students will study key statutory provisions of the Copyright Act as well as judicial opinions that have established and applied important aspects of copyright doctrine. One major theme of the course is the challenge that new media and devices present for copyright law and policy. Students will understand the legal, business, and technological landscape of copyright law, setting them up for further practical experience and in-depth study. *Additional Course Information:* Counts toward Business Enterprise Concentration

**PPTYTORT 653 Trademarks and Unfair Competition (3 Credit Hours)**

Trademarks (e.g., APPLE computers; CORONA beer) are valuable business assets. Consumers use these signals in making purchasing decisions and companies use them to build commercial goodwill. This course covers the statutory and common law bases for trademarks and related rights. We discuss the acquisition and loss of trademark rights, infringement and remedies, and controversies over the scope of trademark protection. The course also covers related topics, including unfair competition, false advertising, dilution, right of publicity, domain name protection, and cybersquatting. We also examine the tensions between trademark protection and free speech. *Additional Course Information:* Counts toward Business Enterprise Concentration

**PPTYTORT 654 Patents and Copyrights (2 Credit Hours)**

**PPTYTORT 658 Disability Law Seminar (3 Credit Hours)** More than 50 million Americans have disabilities, even as the population just begins to age significantly. The Americans with Disabilities Act was passed in 1990 as a key civil rights law to help persons with disabilities obtain access to employment, government facilities and programs at all levels, transportation and most public accommodations. The ADA was amended in 2008 to overrule several Supreme Court decisions that had unduly restricted the Act, and to enable persons with disabilities to bring their cases to court more easily. This seminar will explore how our disability laws have succeeded or failed to fulfill their promise.

Through analysis of case law, topical articles and guest appearances, we also will examine closely the 2008 amendments to the Act in this evolving, dynamic area of the law. Each student is expected to select a topic of particular interest to him or her, perform an in-depth review of the law related to that topic, and write a paper on the subject. The instructors will work individually with each student to prepare a final paper. Students' progress will be tracked through class discussion, informed reaction papers and individual sessions with the instructors (Judges Robert Gettleman and Jeffrey Gilbert of the Northern District of Illinois; and Hillary Weis Coustan, counsel at Massey & Gail and adjunct faculty member at Loyola University Chicago Law School). **Teaching Methods:** Demonstrations, Discussion, Lecture **Evaluation Methods:** bi-weekly Reaction Papers, Class Participation, Research Paper **Course Materials:** Case law to be assigned (no casebook) This class meets the

Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**PPTYTORT 659 International Intellectual Property (2-3 Credit Hours)**

This course will examine the international protection of intellectual property, with special emphasis on copyright. Some time will be devoted to a broad comparison of copyright and neighboring rights in Europe, the U.S., and non-Western legal systems. We will discuss copyright doctrines as applied to traditional works manifested in analog form, as well as their application in the digital age. Specific topics will be the relevant EC Directives, the Berne Convention, Special 301, TRIPS and the WTO dispute settlement process, and the 1996 WIPO Treaties. Evaluation: Final Examination. Research paper.

**PPTYTORT 660 International Environmental Law (3 Credit Hours)** The natural world is coming under increasing strain. It is estimated that by the year 2050, two entire Earths will be required to meet the human demand for natural resources. How we manage those resources will therefore become an increasingly urgent issue. In this course, we explore some of the most contentious battles between development and preservation by examining the regulation of federal, state, and private lands, as well as the public trust doctrine, the Endangered Species Act, mining, and water law. We also examine the history of federal and state land ownership and how that history continues to shape the protection and exploitation of the natural world. This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**PPTYTORT 661 International Public Health: Law and Policy (2-3 Credit Hours)** Long the province of medical professionals, problems of international public health have been forced onto the political and legal agendas by a series of unsettling developments: the HIV/AIDS pandemic; SARS and other emerging infectious diseases; avian flu, which may cross from animals to humans; the anthrax episodes and concern over bioterrorism; the expanding effects of tobacco use and substance abuse; and many others. Other prominent issues involve the needs of developing countries: the role of health in development policy; affordable access to medicines; developing new drugs for diseases of the South; and the pervasive problem of financing. Public health is also a laboratory of international governance: significant innovations include public-private partnerships, a global financing organization, and a major role for private philanthropy. In this seminar we will consider several of these important issues and institutions through the lenses of international relations and international law. Students in the seminar will prepare final papers on particular problems, institutions or bodies of law, and will present their research in class. Hopefully, groups of students working in related areas can coordinate their research and presentations. Grading will be based on the final papers, the presentations, and general class participation. A limited number of students may be able to prepare 2- or 3-draft papers with permission.

**PPTYTORT 662 Copyright and Free Speech (2-3 Credit Hours)** When copyright law was first enacted in 1790, the maximum term was 28 years. Now it can exceed 100 years. Authors were originally free to build upon, reference, comment upon, or parody previous works. Today, authors can be sued if they merely appropriate themes or storylines from earlier works, and composers may be liable if their work creates an "impression of similarity" with previous work. Speech-protective limitations on copyright, such as the rule that original expression is protected but ideas are not, the privilege of de minimis copying, and the privilege of "fair use", have all been weakened. These developments have produced an enormous literature debating whether the purposes of copyright have somehow been distorted. It has produced a smaller literature considering the tension between copyright and free speech. This seminar will

consider both of these bodies of literature, and attempt to bring them to bear on one another. Readings will include some general introduction to both copyright and free speech, and some of the following: Neil Netanel, *Copyright's Paradox* (2008). *Eldred v. Ashcroft*, 537 U.S. 186 (2003). *Golan v. Holder* Jed Rubenfeld, *The Freedom of Imagination: Copyright's Constitutionality*, 112 Yale L. J. 1 (2002). Andrew Koppelman, *Veil of Ignorance: Tunnel Constructivism in Free Speech Theory*, 107 Nw. U. L. Rev. 647 (2013). Kembrew McLeod & Peter DiCola, *Creative License: The Law and Culture of Digital Sampling* (2011). Anupam Chander & Madhavi Sunder, *Everyone's a Superhero: A Cultural Theory of Mary Sue Fan Fiction as Fair Use*, 95 Cal. L. Rev. 597 (2007). Madhavi Sunder, *IP3*, 59 Stan. L. Rev. 257 (2006). Anupam Chander & Madhavi Sunder, *The Romance of the Public Domain*, 92 Cal. L. Rev. 1331 (2004). Lawrence Lessig, *Free Culture: The Nature and Future of Creativity* (2005). Jack M. Balkin, *The Future of Free Expression in a Digital Age*, 36 Pepperdine L. Rev. 707 (2009). Jack M. Balkin, *Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society*, 79 N.Y.U. L. Rev. 1 (2004). And work by some of the following: Rebecca Tushnet Jennifer Rothman Pam Samuelson, Google book Randy Picker Matt Sag, copy-reliant technologies Wendy Gordon, Locke & IP, years ago Edward Lee, Kent.

**PPTYTORT 663 Disability Law (3 Credit Hours)** This course will cover the legal protections for people with disabilities, including the Americans with Disabilities Act, Individuals with Disabilities Education Act, Fair Housing Amendments Act, as well as other constitutional and common law theories. It will also address growing international developments in disability law and policy. Evaluation Method: Take home examination.

**PPTYTORT 664 Information Privacy Seminar (2-3 Credit Hours)** Information Privacy Seminar – Economic interests, the Internet and national security concerns have resulted in personal information becoming a commodity to be gathered, packaged, marketed, or used for investigative purposes often without regard for, or even the participation of the information subject. New mechanisms for both gathering and disseminating personal information, and new technologies that can both reduce and increase informational privacy have been developed ahead of the ability of the law to effectively regulate these activities. This two credit seminar will explore a number of the law and policy issues in the gathering and use of personal information and the protection of privacy. We will explore these issues in a number of contexts, including privacy and public records, privacy of health and genetic information, database development, privacy and law enforcement, privacy and national security, anonymity, workplace privacy, and international privacy law. We will look at privacy-related legislation such as the USA PATRIOT Act, HIPPA, and the CAN-SPAM Act, and the technology of privacy including RFID and other chip technologies, the implications of social networking, the NSA's data mining activities, and the Human Genome project. Registration Requirements: Upper division (2L or 3L), no other pre-requisites. Evaluation Methods: There are four projects that students will work on throughout the Semester. Students will be expected to complete an extensive writing assignment and prepare an in-class presentation on a topic related to information access or policy. Students will also be required to report on the information available from and disclosure requirements of a government or private sector entity by seeking information about themselves. Students will also be assigned one or two class sessions as discussion leaders. Finally, students will draft litigation documents and make an oral argument in a hypothetical privacy case. The grade for this seminar will be based on the research paper including the presentation of the paper (60%); the case study project (20%); the personal information inquiry (5%); and participation in class, including sessions where you are the discussion leader (15%).

Class Materials: Required Textbook: Solove & Schwartz, *Information Privacy Law*, 4th ed., ISBN 978-0-7355-1040-1. Other readings will be posted to Canvas or handed outs.

**PPTYTORT 665 Design Law (3 Credit Hours)** This course focuses on the legal protection of design. Design implicates a number of different intellectual property regimes such as design patent, trade dress, and copyright to pictorial, graphic and sculptural works. Design patent law, which is not taught in the intellectual property survey and patent law courses, is covered in detail in this course. The course addresses design protection in the United States and internationally, including the sui generis EU Community Design Protection.

**PPTYTORT 667 Environmental Justice Seminar (3 Credit Hours)** Low-income communities of color remain disproportionately exposed to environmental harm. This course will consider the political, social, economic and legal roots of environmental injustice and evaluate the applicability of civil rights, housing, health and environmental laws to challenge these disparities. We will consider political and social movements and the role that they are playing in advancing environmental justice. Current environmental problems facing communities in the greater Chicago area, as well as regional and national environmental problems, will provide important case studies for our discussions. We also will analyze statutes, case law, and scholarly pieces across social science, public health, and legal fields. The role of lawyers working in community will also be discussed throughout the semester and community members and other guests will join us to share important perspectives. *Additional Course Information:* Satisfies Research Writing degree req

**PPTYTORT 668 Practicum: Health Law (4 Credit Hours)** The goal of this Practicum is to introduce students to the legal, regulatory and ethical landscape applicable to the health care industry. The topics include a variety of legal and ethical issues that are relevant to the practice of health law including: regulatory law, fraud and abuse, not-for-profit governance and tax exemption, M&A, risk assessment and mitigation, as well as, organizational liability. Students will also consider the ethical issues underlying the fundamental conflicts and decisions faced by health care attorneys, including defining ethical conflicts, proposing multiple courses of action and evaluating the possible costs and benefits of each. Students work 12 to 16 hours a week as externs for legal departments of Chicago-area health care providers. Working under the direct supervision of experienced health care attorneys, students perform legal research, draft memoranda, prepare presentation decks, assist with policy updates and work directly with health care administrators and providers. Students also have the opportunity to participate in departmental, project specific and institutional management and governance meetings to gain a robust experience in the role of a health care attorney. The professor assists students with obtaining an externship by sending resumes and transcripts of interested students to participating law departments, who then select eligible externs. Students also participate in a weekly seminar where they discuss readings on current issues impacting health care institutions and the unique challenges encountered at their externships. Students maintain a reflective journal about their externship, relevant articles and class discussion. The course requires i) a 10-15 page group paper that will coincide with a group debate concerning an ethical issue unique to the provision of health care and ii) a group presentation to the class on a topic, approved by the professor, that is to cover a key health law issue, or issues, addressed throughout the class. Students are graded on the journal/class participation, the ethics paper/debate, the health law presentation and successful completion of the externship. To enroll in a Practicum course, students must receive the permission of the

professor. Elements of Final Course Grade: Journal/Class Participation\* 20% Group Health Care Ethics Paper/Debate 40% Group Health Law Presentation 40% \*The course participation grade will be determined on the basis of both attendance, as well as, active participation in class activities and discussion. Class Materials: Topical readings (articles) as may be assigned by the professor. *Additional Course Information:* Satisfies Experiential Learning degree req, Requires Practicum Placement

**PPTYTORT 671 Medicine and the Law (2-3 Credit Hours)** This course explores the relationship between the American legal system and developments in medicine and health care. The topics include health care reform, organ transplants, genetic screening and genetic engineering. Teaching Method: Seminar discussion Evaluation: Final Examination or Research paper. Texts: Reproduced materials.

**PPTYTORT 673 Health Policy (2 Credit Hours)** Healthcare spending accounts for more than one-sixth of U.S. GDP, and an even larger fraction of government spending. Healthcare policy involves many politically divisive issues that involve the interaction among legal policy, our complex, fragmented system of healthcare delivery, our complex, fragmented system for providing health insurance, the economics of healthcare delivery, and the political preferences and power of physicians, hospitals, and pharmaceutical companies. This course/ seminar will build on the introductory health law, and explore selected current health policy issues. Some possible topics: How many people file for bankruptcy because they are uninsured and have large medical bills? How many people die or suffer disability because they don't have health insurance? Does a cap on damages in medical malpractice lawsuits reduce healthcare spending (on "defensive medicine") or attract physicians to a state that adopts such a cap? Do nonprofit hospitals behave differently than for-profit hospitals and if so, how? U.S. healthcare is uniquely expensive, by world standards. Is it also high quality, or only very expensive? How does public reporting of hospital quality measures affect quality? How will the Affordable Care Act (ACA) change the healthcare landscape? Will the health insurance exchanges created by the ACA survive, or fall into a death spiral? Can "alternative payment models" replace or supplement traditional "fee for service" healthcare? What do these models look like, and what results have they achieved? Many of these questions are empirical - theory does not provide a simple answer. This offering is designed as a cross between a regular course and a seminar. Students will have three options, as the basis for the course grade: (i) take a final exam; (ii) write a research paper on a healthcare policy topic of your choice; or (iii) develop readings for one of the course weeks, and provide an overview of those readings to the class. I envision an interactive, "seminar style" class focus. Prerequisites: None. Some prior knowledge of health law would be helpful, but is not required. Evaluations: Final grades for the course will be determined based on class participation (20%) and your choice of one of the three options noted above (80%), presentation, and a final paper. Students are required to submit the paper by the end of the final exam period. Class Protocol: Students are expected to attend all classes and actively participate in class discussions. During class, laptops should be closed, and cell phones should be off or on vibrate mode. Course Materials: There are no required textbooks for this course. Readings will be posted on Canvas.

**PPTYTORT 675 Introduction to Health Law (2 Credit Hours)** This is a survey course of the health law issues and principles that health care lawyers are likely to encounter in their professional careers. An important focus of the course is the role of law in promoting healthcare quality, accountability, access and efficiency. Prodded by the call to deliver value-based care and changes in reimbursement, hospitals now routinely engage in contracting, joint venturing (such as forming accountable care organizations), and employing physicians. Associated with these



changing relationships are governing legal principles that will be explored in this course. The law regulates quality in healthcare delivery mostly through a state system of licensure and through common law principles that compensate patients for certain harms. Thus, we will discuss licensure regulation and the tort liability of healthcare professionals and organizations. Because most hospitals are not-for-profit and enjoy a tax exempt status, we will cover the tax rules for maintaining that status. Also, healthcare providers rely on government reimbursement and students will learn the fraud and abuse rules that police the integrity of that reimbursement. The United States has expanded access to health care through Affordable Care Act public programs that this course explores. However, healthcare reform largely relies upon consumer choice and private competitive provider and health insurer markets. Accordingly, we will discuss antitrust in healthcare and students will learn about the ways antitrust is applied to preserve competition. Finally, the law regulates clinical research, medical records and patient confidentiality, and decisions about death and dying. These matters too will be discussed in the course. The course utilizes a casebook entitled *Health Law, 7th Edition*, by Furrow, et al. This course is co-listed by the Kellogg School of Management as HIMT 451-0. The class is ten weeks in duration for MBA candidates. This class will meet for 13 weeks; following the law school schedule.

**PPTYTORT 676 Health Care and Organizations (2-3 Credit Hours)** This course will provide an overview of our health care delivery system and the legal issues arising in connection with the evolving efforts of government and the private sector to make it more affordable, efficient and effective. These legal issues will be explored in the context of prevalent and emerging organizational structures for health care delivery and finance, with an emphasis on models for payer, hospital and physician provider business relationships and structures, managed healthcare contracting and network development and joint ventures among providers at various levels within the health care delivery system. Federal and state developments under the umbrella of federal Health Care Reform legislation will be considered. Students will not only be afforded the opportunity to understand significant substantive components of health law (including the impact of existing and developing federal and state regulations), but also will become familiar with current industry and professional responses to current trends and be exposed to a variety of organizational and transactional health care delivery and finance structural models in use and under consideration.

**PPTYTORT 682 Intellectual Capital Management (3 Credit Hours)** In the information age, ideas and innovation are becoming the principal drivers of economic growth and competitive advantage. In this context, the agile management of intellectual capital can be the difference between survival and extinction. While knowledge of property and corporations is an important part of intellectual capital management, an understanding of legal doctrine without a larger strategic plan for how it should be used, combined, and integrated into business models does not adequately prepare businesses to tackle the challenge. The goal of this course is to provide the complementary strategic planning skills necessary to harness the full power of intellectual property and to also understand when and how non-proprietary models may add value for a business. Using business case studies drawn from a variety of industries, the course develops a "value articulation" heuristic as a vehicle for planning optimal intellectual capital strategies. The heuristic adopts a "lifecycle" approach to intellectual capital management, which includes: the creation and protection of intellectual property; the transference of this property (whether protected by patent, copyright or trade secret) to trade dress, design patents and/or trademarks; the translation of the resulting intellectual capital to other product types (derivative, complementary,

next-generation, etc.); and its transportation across the product chain as a vital part of strategic value chain management. While the course builds on intellectual property, knowledge of this topic is not a prerequisite. For those who are knowledgeable in intellectual property, the course operates as a complement addressing how businesses can and do strategically manage intellectual assets as an aspect of their larger intellectual capital management strategies. Teaching Method: Industry specific examples will be investigated through a series of business case studies, typical of the type used to examine business management. The insight of students who have had experience with intellectual capital is encouraged. The class will be divided into 10 teams for purposes in-class discussion of assigned case studies and for drafting of a final paper and presentation. Comprehensive PowerPoint presentations will be provided for all classes. Method of Evaluation: The final grade will be based 40% on class discussion and 60% on a final paper which will be presented during the last two class sessions. It is possible to use the final paper to fulfill writing requirements. Students can elect to do either 1, 2 or 3 draft papers, with any three-draft paper requiring an extended version of the team paper.

**PPTYTORT 683 Water Law (3 Credit Hours)** This seminar examines the legal regime that governs the allocation and management of surface and ground water in the United States and on international rivers and aquifers. The class will cover the two basic allocation regimes in the United States – riparian rights and prior appropriation – and a variety of current topics. These include the capacity of the legal system to adapt to global climate change, the emergence of a human right to water, disputes among states as to water rights, the impact of environmental laws on the right to divert water, the management of the Great Lakes, and the special rights of Indian Tribes. Class grade will be based on class participation and a paper. Students may satisfy third year paper or other writing requirements with this seminar. Class materials will consist of a series of reading to be made available in a course pack and on canvas. This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**PPTYTORT 684 Philosophy of Intellectual Property (2 Credit Hours)** Intellectual property law has become an increasing source of conflict in business and in the culture more generally. Discourse about intellectual property is torn between two conceptions. Intellectual property is (a) a fundamental right that must be protected in any adequate legal regime; (b) a device for optimizing use of resources, which can be freely manipulated by the state in any way that seems likely to achieve efficiency. The division between (a) and (b) is, of course, also a matter of debate among theorists of property more generally. We will examine the philosophical bases of both views, consider whether one could accept (a) with respect to some objects of property while accepting (b) with respect to intellectual property, and consider the legal and policy implications of each view. Prerequisite is one of the following three courses: (a) Copyright, (b) Patent, (c) Intellectual Property. The prerequisite course may be taken concurrently with the seminar. Evaluation Method: Paper. All students will be eligible to write a three draft paper. Course materials will be available on blackboard. There may be books, to be announced. *Additional Course Information:* Meets Perspective Elective degree requirement

**PPTYTORT 686K The Law of Real Estate Development and Finance (2.5 Credit Hours)** This course presents an overview of the real estate development process, providing the necessary context for making sound decisions regarding the use of legal services and counseling. The class offers an introduction to a range of legal issues that may confront real estate managers and developers. Subjects covered include: land acquisition, ownership structures, real estate financing, environmental

due diligence, zoning, development incentives, landlord-tenant issues, and condominium development. Guest speakers with specialized expertise will address a number of the topics. NOTE: This course is cross-listed with Kellogg and offered on the quarter calendar on the Chicago campus. *Additional Course Information:* Counts toward Business Enterprise Concentration, Class dates follow University Quarter Schedule

**PPTYTORT 687 Legal Innovation (2-3 Credit Hours)** In this seminar, we will consider a number of key innovations in the legal services space. Through focused readings, case studies, and some expert outside speakers, we will consider various critical initiatives underway or being planned, initiatives that will impact in meaningful ways the delivery of legal services  $\zeta$  or, indeed, how we even define what are or are not  $\zeta$  legal services.  $\zeta$  The aim is threefold: First, to survey some of the most interesting recent developments in the legal services space; second, to critically examine the circumstances and market conditions that have yielded these (and often quite radical) new experiments; and, finally, to look closely at how law and legal practice is being reshaped in a world of major technological, social, and economic change and of global impact. Work in this seminar will satisfy the Law School writing requirement. Students who would like to complete the 2 draft writing requirement and earn one additional credit hour in this course will be able to self-enroll in the associated LAWWRT 602 Section 39 course section (class nbr 30633) during open enrollment January 4, 2016-February 5, 2016. Students who would like to complete the 3 draft writing requirement and earn one additional credit hour in this course will be able to self-enroll in the associated LAWWRT 603 Section 39 course section (class nbr 30658) during open enrollment January 4, 2016-February 5, 2016.

**PPTYTORT 688 Health Law (3 Credit Hours)** This course provides an introduction to health care law and policy in the United States. Topics to be addressed include health care reform, financing and delivery; the provider patient relationship, medical malpractice, and the regulation of health care facilities, along with select topics in bioethics and public health law. Students will be evaluated based on a final exam. There are no prerequisites for this course. *Additional Course Information:* Open to First Year Students

**PPTYTORT 689 Estates and Trusts: The Dead Hand (3 Credit Hours)** Every society has established rules and laws for the preservation and transfer of wealth from generation to generation. This seminar will be an introduction to this complex and rich set of overlapping laws, federal and state, governing inheritance, gifts, and intergenerational transfers, with a special emphasis upon transfers to institutions such as museums and universities. Lawyers with expertise in the area, will be invited as guests, along with professional persons responsible for handling such matters, and the various legal disputes and law suits which arise. The basic principles of estates and trusts will be set out at the beginning of the semester with a standard textbook. The students will then begin to do research on their chosen topics in state or federal law. The course offers an opportunity for students to educate themselves about the law of a particular state in the important area of Estates and Trusts, and to familiarize themselves with relevant parts and proposed changes to the United States tax code and state laws. *Additional Course Information:* Satisfies Research Writing degree req

**PPTYTORT 690 Admiralty Law (2-3 Credit Hours)** Admiralty law covers a wide range of subjects. This course will provide an introduction to several of the most important: carriage of goods; personal injuries to maritime workers; arrest of ships and maritime liens. This course will emphasize multi-party litigation and choice of law, themes that permeate admiralty law and many other branches of the law. If you have not taken a course in conflicts of law, do not be concerned. No prior background in choice

of law is necessary for this course, which will include a full orientation to choice of law in an international setting. For our class meetings, you will read selected cases, statutes, and other texts, and you will consider assigned problems, which we shall discuss in the class meetings. For some of these problems, you will be asked to submit a brief written response before the class session that takes up the problem. I'll ask you to purchase a modestly priced statutory supplement to one of the leading casebooks, but the other materials will be provided on-line. Your final grade will be based on class participation, the short written assignments, and a final exam. The final exam will consist of one or two problems similar in scope to the problems considered in the class sessions. As an alternative to a final exam, you can write a paper on a topic and in a format to be mutually agreed upon between you and me. Students who choose the paper option may satisfy the graduation writing requirement with professor's permission.

**PPTYTORT 693 Health and Human Rights (2.5 Credit Hours)** This course examines the intersection of health and human rights in theory and in practice. In a seminal paper in the Health and Human Rights journal in 1994, the late HIV/AIDS activist and professor Jonathan Mann and colleagues described the relationship between health and human rights as comprising three parts. First, health policies, programs and systems impact human rights, both positively and negatively. Second, human rights violations have health impacts. Third, promotion and protection of human rights and promotion and protection of health are fundamentally linked. These three concepts are at the core of the growing field of study and work in health and human rights and will inform the readings, discussions and project work in this course. The topics of focus for assignments and class discussion include: the relationship between health and human rights in theory and practice; the right to health; the health and human rights impact of gun violence; global activism and litigation to promote health and human rights; the movement for access to medicines; infectious diseases, with a focus on the global tuberculosis epidemic; sexual and reproductive health rights; and health and human rights in the United States. Students will work in interdisciplinary groups on a health assessment and intervention known as the Access to Health Project. Headed by Professor Citro, with assistance from Schuette Health and Human Rights Fellow Elise Meyer, the Access to Health Project seeks to leverage academic partnerships to maximize access to health in communities in the developing world and in the United States. Specifically, this class will participate in needs assessments and project development: to address the legal and policy environment for sex trafficking in Chicago, with a focus on victims' access to sexual and reproductive health and trauma services; to examine and address the practice of unlawfully detaining people in China based on their health status; and to build the capacity of people affected by tuberculosis in India to understand their rights related to health, including to access testing and treatment and to be free from discrimination, and to use the courts and other forms of advocacy to realize their rights. The needs assessment will reflect human rights, public health and sustainability considerations. In lieu of an exam, student teams will prepare a final written report detailing their findings and recommendations. This course meets on the Quarter Calendar. Please note: the first day of class will be January 14, 2019. *Additional Course Information:* Class dates follow University Quarter Schedule

**PPTYTORT 694 Advanced Topics in Health and Human Rights (2-3 Credit Hours)** This seminar furthers the ongoing work of the Northwestern Access to Health Project in Nigeria and a new project in Lebanon. In partnership with the Feinberg School of Medicine and the University of Lagos, students will develop curricula for partner communities in Lagos on health and health-related entitlements, and explore how to implement

interventions identified and proposed during the assessment phase of the work in Nigeria. Students focused on Lebanon will research health and justice access issues applicable to Syrian refugee communities in northern Lebanon. Additional seminar topics will include cutting-edge issues of health and human rights today, including the Zika virus and the opioids epidemic. Evaluation Method: Grading in the course will be based on classroom participation (25%) and a research paper of the student's own choosing, approved by the instructor in advance (75%). Prerequisite: Health and Human Rights or advance permission of the professor. Provided the subject matter of the paper is appropriate, students may write multiple draft papers for additional credit or for the graduation writing requirement. Students who would like to complete the 2 draft writing requirement and earn one additional credit hour in this course will be able to self-enroll in the associated LAWWRIT 602 course section 56, class number 18883 during open enrollment. 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.

**PPTYTORT 695 Innovation Law (2-3 Credit Hours)** This seminar starts from the assumption that innovation is a central policy concern of our times. A number of areas of law concern or affect innovation, such that many academics consider that there is an emerging body of 'innovation law' arising therefrom. The seminar will test the extent to which innovation is adequately and coherently factored across these areas of law, and hence whether 'innovation law' is truly emerging. We will start with a review of innovation literature in economics, business, sociology and science and technology, in order to gain a fuller understanding of innovation, and to develop a model of innovation for the purposes of legal analysis. Against that backdrop, we will then dedicate a number of courses to examining how innovation is integrated in the law in areas such as intellectual property, antitrust, economic regulation, standardization or public procurement. We will also look at the interplay between innovation and public policy (such as safety, health, environment or consumer protection): is there "good" and "bad" innovation? What can public policy instruments do to foster the former and steer away from the latter? Teaching Methods: Class Participation, Discussion and Lecture Evaluation Methods: Essay. 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 LAWWRIT 602 or 603 section (cannot enroll in both) during open enrollment January 3, 2017-February 3, 2017. 2 draft class #:30807 3 draft class #:30829.

**PPTYTORT 801-L Property (3 Credit Hours)** This mandatory course introduces students to concepts of property and focuses on topics relating to real property, intangible property, and real estate law. The Concepts of Property course is a survey course that explores legal relationships that arise in varied contexts of property ownership and in property disputes. The Real Property portion of the Concepts of Property gives an overview of the law of real property. It explores the original acquisition of entitlements to property; different theories of justification for the institution and distribution of property; the Anglo-American system of estates in land; the law of trespass and nuisance; private and public mechanisms of land use control; landlord-tenant law; and public regulation of property, including housing discrimination and eminent domain.

**PPTYTORT 802E Torts (1.5 Credit Hour)** This course is for Executive LLM students. This course covers basic doctrine in the major areas of U.S. Tort Law. Among the topics covered are an introduction to Tort Law,

including the influence of insurance, Intentional Torts, Negligent Torts, and Strict and Product Liability.

**PPTYTORT 803E Torts II (1.5 Credit Hour)** This course is for Executive LLM students. This course is a continuation and expansion of Topics in Tort Law. The course will include deeper coverage of a number of topics introduced in the Topics in Tort Law course. In the area of intentional torts, we will pick up some additional intentional torts such as intentional infliction of emotional distress and trespass. We will also explore some additional defenses such as defense of property and necessity. A great deal of the course will address additional issues in the law of negligence. First, we will examine in depth a basic tenet of tort law, the "reasonable person standard. We will also explore some additional issues that arise in proving negligence, including custom and multiple defendants. Although causation has been introduced we will look more deeply at the difference between "cause-in-fact" and "proximate cause." Finally, we will look at some of the issues relating to premises liability, focusing on the traditional categories of trespasser, licensee, and invitee and will look at how contemporary tort law has moved away from those categories. During class meetings, students will have lectures accompanied by power point presentations on the topics listed above, classroom questions on the material covered. and practice exam questions.

**PPTYTORT 804E Property (2.5 Credit Hours)** This course is an introduction to the law of real property. It explores the original acquisition of entitlements to property; different theories of justification for the institution and distribution of property; the Anglo-American system of estates in land; the law of trespass and nuisance; private and public mechanisms of land use control; landlord-tenant law; and public regulation of property, including housing discrimination and eminent domain.

**PPTYTORT 850-L Intellectual Property (2 Credit Hours)** This course will introduce the laws that create and delimit property rights in intangible goods such as inventions, expressive works, brand identifiers, or information. Collectively, these laws are known as "intellectual property law," an umbrella term which includes patent law, copyright law, trademark law, trade secret law, among other areas. The course will include discussion of the constitutional, statutory, and common law bases for the IP laws, as well as the competing policies underlying the laws.

**PPTYTORT 850I Environmental Law (2 Credit Hours)** In this course, we will consider various legal regimes governing human relationships with the environment. We begin with longstanding principles of the common law and then expand to consider the major federal statutes that have come to dominate the field. Drawing on principles of ethics, ecology, economics, and the science of risk assessment, we will analyze the regulatory regimes governing air and water pollution, hazardous waste, and toxics. We will study some of the most hot-button issues in the field, including the range of possible responses to climate change, informational approaches to regulation, and the enforcement of environmental statutes through citizen suits. We will also learn the practical, problem-solving art of lawyering in this complex and fascinating field.