

3L SEMINARS - 2008-09

The Seminar is a graduation requirement for third-year students. Law 676/677 satisfies the 3L seminar requirement if the student is not an Honors Program student. Honors Program students are required to take Law 301-HA to satisfy the Honors Program requirements. There are seventeen (17) seminars and each has limited enrollment. Second year students may enroll in a seminar, if space is available. This will not, however, satisfy the requirement that a seminar be taken in the third year.

FULL-YEAR SEMINAR

GLOBALIZATION - PROF. BRIETZKE

Law #300-A1 and 300-A2, 1 cr. hr. counted in each semester - **you must take both semesters**

The objective of this seminar is to create a balanced assessment of the pros and cons of this rapidly growing and probably inevitable trend. Topics may vary from year to year, but will involve the legal and policy formats of most of the following: global private finance through equity (stock markets), debt (bonds and loans), and currency flows; the International Monetary Fund (IMF); the World Bank; the World Trade Organization (WTO) and selected trade problems not directly involving the WTO; bilateral arrangements, especially the U.S. Agency for International Development (AID); regional arrangements that both complement and counter act globalization, such as the North American Free Trade Association (NAFTA); attempts to oppose globalization through demonstrations, politics, and law (e.g., trying to preserve a national sovereignty); etc. There is thus a limited career orientation to the Seminar. The criteria for our assessments will include the effects of globalization on terrorism, democratization, development (broadly defined), labor standards, the management of risk, etc. (Effects on the environment are important, but these are treated in International Environmental Law.) While U.S. attitudes and participation are treated in detail, other emphases involve developing countries rather than Western Europe and Japan.

FALL SEMESTER ONLY

INTERNATIONAL HUMAN RIGHTS - PROF. BRIETZKE

Law #301-A, 2 credit

This seminar will supplement other international law offerings, but there are no prerequisites for signing up. We will discuss most of the following topics as time permits, topics which suggest the areas from which paper topics can be chosen: the philosophy of human rights protection; the content of the various human rights covenants, some of which have been ratified by the U.S. Senate; the activities of the U.N. Commission and committee and non-governmental organizations such as Amnesty International; the ways in which international human rights norms have been dealt with in U.S. courts and U.S. foreign policy; and the particular problems of protecting human rights in the Third World. Seminar activities will include discussions of Xeroxed readings, approval of a detailed outline of your paper topic, and your first draft (50% of your grade and using a "Blue Book" format), presentation of your paper to the other seminarians (25%), and final draft (25%).

AMERICAN CONSTITUTIONAL HISTORY - PROF. GAFFNEY

Law #301-B, 2 cr. hrs.

This seminar will cover selected topics in constitutional history.

SHAKESPEARE AND THE LAW - PROF. NUECHTERLEIN

Law #301-C, 2 cr. hrs.

Students will study several of Shakespeare's classic plays, including Macbeth, King Lear, and Hamlet, to discern eternal legal themes including justice and the quest for power. Shakespeare's beautiful and complex language offers great insight into the human dramatic narrative that the law represents. The course will also stage the trial in the Merchant of Venice.

TAX POLICY - PROF. KOHLHOFF

Law #301-D, 2 cr. hrs.

Students will identify and research a topic of interest involving tax policy, and write a scholarly paper on the topic. The subject matter may cover local, state, federal or international tax policy, and must be approved in advance by the faculty member responsible for the seminar. Students will be required to develop a thesis for their paper and support their thesis with research, legal reasoning and persuasive writing.

LAW AND LITERATURE - PROF. COLEMAN

Law #301-E, 2 cr. hrs.

In this seminar we will read and discuss three works of literature that have influenced/analyzed/critiqued the legal system. Students will each select an outside work(s) of literature, to be read outside the class. Students will be required to write an original and unique seminar paper incorporating some facet of the literature selected by the student. Following completion of the first draft, students will be required to present their papers to the entire class, rewrite the draft and submit a final version of the paper.

LAW AND POLITICS - PROF. MURPHY

Law #301-F, 2 cr. hrs.

This seminar will explore the contemporary contours and historical roots of several key areas in American political and legal debate. The focus will be on three issues: race, religious liberty, and gay and lesbian rights, examining each through a combination of historical and philosophical analysis, political speeches, court decisions, and legal scholarship. In each case, the aim will be to gain a deeper and more nuanced understanding of the current legal-political debates by more fully appreciating the way that those debates have emerged and developed over the course of American history.

INTERNATIONAL CRIMINAL LAW - PROF. ANDREWS (Honors Program only)

Law #301-HA1, 2 credit

This seminar will explore international and national legal responses to gross violations of human rights, including genocide, war crimes, and crimes against humanity. The seminar commences with an exploration of the Nuremberg and Tokyo tribunals, and the drafting of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. The seminar then examines the range of contemporary international criminal tribunals, including the International Criminal Tribunal for the former Yugoslavia, and those established for Rwanda, Sierra Leone, and Cambodia. It will also examine the recently-created International Criminal Court.

The seminar will also explore alternative justice mechanisms to redress gross violations of human rights, including truth commissions and localized courts. In particular, the South African Truth and Reconciliation Commission and the Gacaca Courts of Rwanda, will be analyzed.

The seminar focuses on issues of accountability, command responsibility, national and transnational obligations, punitive versus restorative justice, and the role of foreign policy in responding to gross violations of human rights in foreign territories.

TORTURE: LEGAL AND ETHICAL PERSPECTIVES - PROF. CALO (Honors Program only)

Law #301-HA2, 2 credit

This course will consider various perspectives on the moral and legal status of torture. We will examine and discuss a variety of materials including foundational philosophical and theological sources (Casare Beccaria's, Of Crimes and Punishments, selections from St. Augustine's City of God and Helmut Thielike's Theological Ethics, Alexander Solzhenitsyn), contemporary jurisprudential and philosophical perspectives (e.g. Ronald Dworkin, Jeremy Waldron, Jean Bethke Elshtain, selections from Sanford Levison, ed. Torture: A Collection) and relevant legal materials (e.g. the "torture memo," the UN Convention Against Torture). All students will be expected to actively participate in seminar discussions and to complete a substantial research paper of approximately 25 pages.

SPRING SEMESTER ONLY

GENDER & THE LAW - PROF. ANDREWS

Law #301-A, 2 credit

Gender and the Law explores the legal issues related to sex and gender. This seminar examines the issue of gender in several areas of the law, including violence against women; family law, including marriage, divorce, pregnancy, and child custody; privacy, including pornography; and international conventions concerning equality and discrimination. The seminar focuses on the role that the law plays in creating and reinforcing gender norms, and the limitations and possibilities of the law in redressing gender discrimination and disadvantage. The seminar examines a number of constitutional issues, with a focus on equality, in both the local and global context. The impact of feminist jurisprudence on the study and development of law will be assessed.

NATIONAL SECURITY LAW - PROF. BLOMQUIST

Law #301-B, 2 cr. hrs.

This seminar will meet once a week during the spring semester for two periods for the first part of the course. Students will be assigned topics for presenting during this time from among the multiple topics discussed in NATIONAL SECURITY LAW (2d ed. 2005, John Norton Moore & Robert F. Turner, eds.). These issues of national security law include the following: theoretical approaches to national security and world order; the international law of conflict management; the use of force in international relations; war crimes' tribunals; the control of international

terrorism; drugs as a national security issue; international arms restraint by treaty law, and policy; international human rights; the law of the sea; outer space law; the constitutional framework for division of national security among Congress, the President, and the Courts; intelligence and counterintelligence; domestic terrorism; national security violations; immigration law and national security; homeland security; and environmental law and national security. Students will spend the second part of the course writing two drafts of a 30 page paper on a topic of national security law that they propose with the professor's approval. An oral presentation of a summary of their papers will serve as a capstone for the seminar.

RACE & THE LAW - PROF. BROWN

Law #301-C, 2 credit

The course will focus on constitutional, statutory and judicial developments that reflected and regulated racial policy in the United States. The impact of the American legal system and its approach to different racial and ethnic peoples is the primary focus of the course. A secondary focus of the course will be the intersection of race and the law and its impact on different aspects of American society including housing, education and crime will be discussed. The readings consist of case law, treaties, and law review articles written by preeminent scholars on race and racism. The class requirements include a class presentation and final paper.

DEATH PENALTY - PROF. CARTER

Law #301-D, 2 cr. hrs.

An analysis of death penalty issues, pros and cons. **Pre- or co-requisite:** Law 467 Criminal Procedure: Investigation or Law 468 Criminal Procedure: Adjudication.

ADVANCED CONSTITUTIONAL LAW: RELIGIOUS FREEDOM - PROF. GAFFNEY

Law #301-E, 2 cr. hrs.

During the first half of the course, we will explore materials to understand both why America is so religious and why it is so pluralistic. These two features of American life are reflected in (1) the *free exercise principle*, which guarantees that people are free -- within limits -- to honor sacred duties even when they conflict with generally applicable norms, and (2) the *nonestablishment principle*, which requires the government to be neutral in religious matters, that is, to minimize the extent to which it either encourages or discourages religious belief or disbelief, practice or nonpractice, observance or nonobservance. We will also try to understand the fundamental unity of these two principles, as well as the relationship of religious freedom to other civil liberties (speech, press, assembly, petition) secured in the First Amendment. Each student must have a topic for research approved by September 15, and a working draft ready for discussion in the seminar by the end of October. The final draft will be due a week before the end of the semester, so that you can concentrate on the final exams during that period. Materials: Noonan and Gaffney, *The Believer and the Powers That Are* (2d ed. 1998).

INTERNATIONAL SPORTS LAW - PROF. STRAUBEL

Law #301-F, 2 cr. hrs.

This seminar will explore the structure of the "Olympic Movement", including its dispute settlements system and conflicts with the "professional league" sports. If time permits, the growth of professional leagues into international competition may be covered.

ADVANCED TOPICS IN ALTERNATIVE DISPUTE RESOLUTION - PROF. VANCE

Law #301-G, 2 cr. hrs.

In Advanced Topics in Alternative Dispute Resolution (ADR), students, who have a background in ADR, will do in-depth research on an area of interest in the field of ADR. ADR encompasses negotiation, mediation, arbitration, and hybrids of these processes. Students may explore how these processes impact a specific area of law. Students will produce a scholarly paper and make a presentation of that paper to the class. **Pre-requisites:** Law 412 ADR, Law 506 Negotiation or Law 507 Mediation.

SOCIAL LEGISLATION AND THE ELDERLY - PROF. WHITTON

Law #301-H, 2 cr. hrs.

While there is a wealth of demographic information on the income levels of elderly persons and their utilization of government benefits, these statistics tell us little about the influence of age-related legislation on our decisions and values about where and how we work, live, and die. This seminar will address the forces that have shaped the legislation of aging and examine how such legislation has dramatically changed the ways in which we view the old and the old view themselves. Readings concerning the evolution of Medicare, Medicaid and Social Security will form the core material for this seminar. **Pre-requisite:** Law 487 Elder Law.