

3L SEMINARS - 2011-12

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 twelve (12) seminars and each has limited enrollment. Second year students may enroll in a seminar, if space is available, but they must register it as Law 490 Independent Reading & Research. 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

RELIGIOUS FREEDOM: COMPARATIVE AND INTERNATIONAL PERSPECTIVES - PROF. CALO (Honors Program only)

Law #301-HA, 2 credit

This course considers the relationship between law and religion from a comparative and international perspective, with particular attention given to issue of religious freedom. The course begins by examining the intellectual history of religious freedom. We will study seminal primary source documents, particularly from the Anglo-American tradition. We will then consider the contemporary treatment of religion in various national legal systems, focusing on the United States, China, and select countries in South America and Europe. The course next addresses the status of religious freedom within international law. In addition to looking at relevant international declarations and covenants, we will study issues from regional regimes such as the European Court of Human Rights and the Inter-American Court of Human Rights, as well as the United States Commission on International Freedom. The course concludes by considering a number of case studies implicating religion and religious freedom such as proselytism, blasphemy laws, headscarves, education, gender, family law, hate speech, and legal pluralism.

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%).

ADVANCED CONSTITUTIONAL LAW: RELIGIOUS FREEDOM - PROF. GAFFNEY

Law #301-B, 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).

SECURITIES REGULATION - PROF. MORRISSON

Law #301-C, 2 cr. hrs.

An examination of the Securities Act of 1933 and the Securities Exchange Act of 1934. Topics will include the traditional subject matter relating to the registration, issuance and subsequent sale of securities. Civil and criminal liability under the securities laws and the anti-fraud provisions of Rule 10b-5 of the '34 Act will be touched upon as well as current topics of immediate interest to the investment community. **Prerequisite:** Law 203 Business Associations.

SHAKESPEARE AND THE LAW - PROF. NUECHTERLEIN

Law #301-D, 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-E, 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-F, 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.

SPRING SEMESTER ONLY

NATIONAL SECURITY LAW - PROF. BLOMQUIST (Honors Program only)

Law #301-HA, 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.

AMERICAN CONSTITUTIONAL HISTORY - PROF. GAFFNEY

Law #301-A, 2 cr. hrs.

This seminar will cover selected topics in constitutional history.

INTERNATIONAL SPORTS LAW - PROF. STRAUBEL

Law #301-B, 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.

COMPARATIVE ISLAMIC LAW - PROF. KUTTY

Law #301-C, 2 cr. hrs.

This course will provide a contextualized and critical introduction to Islamic law. The course will examine the origins and sources of Islamic law, the development of the classical schools of jurisprudence, the impact of colonialism and modernity on Islamic legal discourse and then focus on the most contested and pressing issues facing contemporary manifestations of Islamic law. The issues and tensions will be highlighted through the exploration of the following areas of Islamic law: family law and the status of women; Islamic constitutionalism and the Islamic state; international law; jihad; human rights; minority rights; freedom of expression; and Islamic finance. Each of these areas will be examined with attention to the substantive law and questions revolving around how it is currently implemented by states and viewed by Muslim jurists from diverse perspectives. The course will also touch upon the contexts of the existing rules, critiques from within and from outside the tradition, and the prospects for and the dynamics and contexts around the calls for reform. The course will wrap up with a discussion of how Islamic law is observed by Muslims in North America and how it interacts with and impacts upon our domestic laws.