

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL

INFORMATION TO SUPPLEMENT THE LAW SCHOOL BULLETIN

For Use in Pre-registering for the **Spring 2019** Semester

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Version 9

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I. DESCRIPTIONS OF SEMINARS AND COURSES COVERING “SELECTED TOPICS...TO BE ANNOUNCED AT THE TIME OF REGISTRATION”

The Law School Bulletin indicates that certain seminars and courses will cover “selected topics ... to be announced at the time of registration.” The following paragraphs describe the coverage of seminars and courses of this type that will be offered in the Spring 2019 Semester. Please see the Law School Bulletin for the description of other seminars and courses. Enrollment in each seminar is limited. Enrollment in each course **may** be limited.

6263-11 Selected Topics in Corporate Law: *Entrepreneurship and the Law* (2) Manns, D. Falk

Selected Topics in Entrepreneurship and the Law seeks to expose students to some of the challenges they will confront in representing entrepreneurs and navigating the distinctive regulatory obligations and uncertainties that early stage companies face. Students will learn how to anticipate and address issues related to entity formation, contract drafting for new ventures, initial capitalization and founders’ stock, stock plans and stock options, as well as other early- stage company challenges. The most analogous existing class is Business Planning which covers a range of issues that lawyers grapple with at the time of formation of companies. The distinctive focus of this class will be immersing students in the strategy and drafting process for early stage companies. (Take-home examination)

6351-11 Reading Group: *Criminal Justice Reform and The Wire* (1) R. Fairfax

This reading group will consider the merits of, and prospects for, criminal justice reform in the United States. Topics will include legal, social, moral, and political perspectives on the modern criminal justice system and will be framed by selected readings and episodes of David Simon’s critically acclaimed HBO series *The Wire*. Prerequisite: Law 6360 (Criminal Procedure) or Law 6362 (Adjudicatory Criminal Procedure). This course is graded on a CR/NC basis. (Mandatory class attendance and participation, periodic writing assignments, Note: The first paper will be due on Monday, January 14, 2019)

6351-12 Reading Group: *Privacy and the Digital Future: AI, Robots, Big Data, and More* (1) Solove

This reading group will explore cutting-edge topics about privacy and data security involving new technologies and the emerging web of US and international laws to regulate them. This course is graded on a CR/NC basis. (Writing assignments)

6351-13 Reading Group: *The Role of the Public Defender* (1) Pinckney

This reading group will explore the challenges facing the thousands of public defenders who practice in jurisdictions across the United States. Readings and class discussions will focus on the critical issues facing public defenders in the criminal justice system, enhance students’ understanding of how these issues impact a lawyer’s work as a public defender, and highlight practical ways public defenders can engage in client-centered advocacy. This course is graded on a CR/NC basis. (Writing assignments)

6351-14 Reading Group: *Protecting Consumers from Unreasonably Dangerous Products* (1) M. Robinson

This course is an introduction to the U.S. Consumer Product Safety Commission (CPSC), how it does and does not protect consumers from dangerous products, and the decision making that takes place on a regular basis in weighing the interests of consumers versus the interests of the regulated community. The CPSC resulted from a report by a bi-partisan Commission authorized by Congress and appointed by President Lyndon Johnson in 1968 that raised alarms about the lack of protections American consumers had from unreasonably dangerous products. The Consumer Product Safety Act (1972) and, later, the Consumer Product Safety Improvement Act (2008) were very strongly supported by both political parties. The CPSC is critically important to protecting each of us in our everyday lives and particularly in protecting infants and children from both acute and chronic hazards. These protections are even more important now that an increasing number of consumers are ordering products online from all over the world. This course will examine the purpose of the CPSC, the CPSIA and regulations passed

pursuant to that statute, restrictions placed on the CPSC by Congress and courts and how effective it is in protecting consumers from unreasonably dangerous products through recalls, rulemaking and enforcement. (Writing Assignments)

6352-11 Family Law Seminar: *Reproductive Technologies and the Law* (2) Suter

This seminar will explore the legal, ethical, and public policy issues related to the ever-expanding range of reproductive technologies. The reproductive technologies we will examine include prenatal testing, preimplantation genetic diagnosis, trait selection, and assisted reproductive technologies (e.g., gamete and embryo donation, in vitro fertilization, surrogacy, etc.). As a backdrop to these discussions, we will also study relevant law related to reproductive rights including cases involving contraception and abortion. A class presentation and seminar-length research paper will be required. The professor has waived the prerequisite for this course. (Research paper)

6352-12 Family Law Seminar: *Juvenile Justice* (2) Blumenson

This seminar presents an overview of the juvenile justice system. We will begin building our framework for understanding the juvenile court's evolution with a high-level review of theories of punishment. Students will learn the historical and legal progression by reading and discussing key legal decisions and the constitutional standards that shaped juvenile justice law and policy over the past 50 years. The second half of the course will focus on practice and procedure in juvenile court. Using DC's juvenile justice system as a case study, the seminar will cover juvenile crime demographics, the agencies and courts involved, and the life of a juvenile case (arrest to reentry). Students will analyze how other systems—education, mental health, foster care, criminal justice—interact with the juvenile system. At each stage of the juvenile case, students will hear different perspectives to supplement their review of numerical trends and data. They will learn from the perspectives of youth, attorneys, agency staff, probation officers, and others in the field. Students will research current issues, interview stakeholders, and identify creative legal solutions to barriers facing court-involved youth. (Research paper, brief presentation, and class participation)

6379-11 Criminal Law Procedure Seminar: *Criminal Justice Reform in a Time of Trump* (2) Drinan

With more than two million adults and children behind bars, the United States has the highest rate of incarceration in the world. In recent years, there has been bipartisan recognition that the American criminal justice system is fundamentally broken and in desperate need of repair. The election of President Trump, though, has ushered in key shifts in both rhetoric and policy regarding crime. This reading group will explore the myriad ways in which American criminal justice is flawed, recent efforts to repair the American criminal justice system, and the prospects for meaningful reform in a post-Trump era.

6379-12 Criminal Law Procedure Seminar: *The Death Penalty* (2) Maher

This seminar is about the death penalty. We will explore the impact that racism, poverty, and ineffective legal representation has in capital cases. Primarily, however, the course is about the law; the rules and procedures that govern who is and is not subject to the death penalty; and what principles and measures the law invokes to distinguish death-worthy cases from cases where the sanction of death would be unlawful. We will also consider moral and philosophical questions about the death penalty to the extent that such questions affect or influence legal thought and policy, and explore some emerging issues implicated by recent death penalty jurisprudence. (Research paper)

6379-13 Criminal Law Procedure Seminar: *Public Corruption* (2) Kravis, Selden

This course will examine issues that arise in investigating, prosecuting, and defending federal public corruption cases involving wrongdoing by federal, state and local public officials. We will begin by highlighting some of the issues unique to public corruption prosecutions through the lens of recent high-profile corruption cases. We will then examine some of the tools that prosecutors and law enforcement agents use to investigate corruption cases, including the grand jury, wiretaps, and cooperators. We will then consider two areas that raise particularly complex questions about when federal criminal prosecution of a corruption offense is warranted: the prosecution

of state and local corruption and the stand-alone prosecution of perjury, obstruction, or false statement charges. This section of the course will also include discussions of the use of asset forfeiture in corruption cases and the challenges involved in the prosecution of law enforcement officials for corruption offenses. The final part of the course will examine issues raised in the defense of public corruption cases, including the Speech or Debate Clause, the application of the Fourth and Fifth Amendments, and the strategic issues faced by defense lawyers representing witnesses, subjects, targets, and indicted defendants in corruption cases. (Research paper and class participation)

6379-20 Criminal Law and Procedure Seminar: *Anatomy of a Homicide* (2) Canan

This seminar will use homicide cases as a model to explore various advanced legal and ethical issues that arise during the investigation, trial and sentencing phases of a criminal case. Homicide cases present many challenging and emotionally charged issues that arise in the criminal justice system. We will work with actual fact patterns during the semester, and each week students will be assigned to consider issues from a prosecutorial or defense perspective. The seminar will cover topics ranging from current controversies over the use of forensic evidence to evidentiary issues at trial to sentencing and post-conviction relief. We also plan to draw upon the wealth of criminal justice experts available in this area and occasionally feature guest speakers from law enforcement, the defense bar, prosecutors, and the judiciary. Law 6360 (Criminal Procedure) is a prerequisite for this course. (Research paper)

6399-11 Constitutional Law Seminar: *Religion and the Law: Contemporary Issues* (2) Mach

This seminar will take an in-depth approach to religion and the law, focusing initially on the competing historical and modern interpretations of the First Amendment's Religion Clauses. Against that backdrop, the course will trace the evolution of religion-law doctrine, using both foundational cases and contemporary controversies to explore a number of recurring themes and issues, including, e.g., financial aid to religious institutions; religious exercise and expression; government promotion of religious messages and displays; religion in the public schools; and religious exemptions and accommodations. Prerequisite: Law 6380 (Constitutional Law II) or permission of the instructor. (Research paper)

6399-12 Constitutional Law Seminar: *Cyber, Privacy and Speech* (2) Nunziato

This seminar will focus on advanced topics in freedom of expression and privacy in the digital realm from both a U.S. and an international perspective, including an in-depth analysis of the following issues: (1) the regulation of extremist/terrorist content online in the U.S. and abroad and whether such regulation is consistent with protections for freedom of expression; (2) the protections for the "right to be forgotten" recently recognized by the European Court of Justice and how this right conflicts with the free flow of information on the Internet; (3) individuals' privacy rights in their digital data and communications versus national security interests. Prerequisites: Law 6380 (Constitutional Law II), Law 6382 (First Amendment: Speech and Press Clauses) or permission of the instructor. Students will be required to write a paper of publishable quality and to present a draft of their paper to the class. (Research paper)

6401-11 Selected Topics in Constitutional Law: *Congressional Procedure* (1) Abel

Examination of the United States Senate and the House of Representatives with a focus on congressional rules and procedures. Analysis of recent legislative proposals. Discussion of procedural tools. Impact of the rules on substantive debate, including the use of the filibuster and the cloture rule. Overview of reconciliation, Congressional Review Act, the budget process, committee structure, floor rules and debate, nominations and confirmation process, and interaction with the Executive Branch. (Class participation and research paper)

6401-12 Selected Topics in Constitutional Law (Unique Legal Problems for DC) (1) Nathan

This seminar explores the unique legal issues facing the District of Columbia, a large city with all of the usual problems of a major metropolis--crime and corrections; housing and homelessness; unemployment and job training; education and truancy; welfare and minimum wages; etc.--with the overlay of its constitutional status as a federal enclave under the complete control of the U.S. Congress. It will focus on the conflicts created by

its various and often competing roles, as a federal agency (e.g., under the Anti-Deficiency Act and the Davis-Bacon law); state (under the diversity jurisdiction statute and other federal statutes and for federal programs such as Medicare and Medicaid); city (for basic services such as police and fire protection and trash, collection); and social laboratory for Congress, in which its residents have no voting representation (dealing with such issues as gun control, government-funded abortions, school vouchers and needle exchange programs). It is taught by a former D.C. Attorney General, whose office is required to give independent, non-political legal opinions to the Mayor, the agencies and the D.C. Council and to litigate these issues and others on behalf of the city, its Mayor, Council, agencies and commissions, officials and employees. The professor previously served as General Counsel to the U.S. House of Representatives. The course examines how the federal and local courts and legislatures have wrestled with the issues and consider what policy changes should be made in the future, such as statehood; voting representation in the U.S. House and Senate; budget autonomy for locally raised revenues; prosecution authority over local crimes; and authority to appoint judges and establish jurisdiction for the local courts. A student who completes this course should have knowledge and understanding of the law governing the District of Columbia and the legal issues it faces in the future. (Writing assignments)

6411-11 Health Care Law Seminar: *Health Care Fraud and Abuse (2) Lynch*

This seminar will expose students to the prevailing legal and strategic issues related to prosecuting and defending health care fraud cases. This seminar will focus on cases involving many different health care provider types, including hospitals, physician practices, skilled nursing facilities, and pharmaceutical and medical device manufacturers. The readings will cover the essential features of the key health care fraud statutes, including the False Claims Act, and the Stark and Anti-Kickback laws. Class lectures will include guest speakers from the regional US Attorneys' offices, private defense practice, and legislative counsel. (Research paper)

6411-12 Health Care Law Seminar: *Public Health Law (2) Teitelbaum*

Explores how much freedom individuals should forgo to achieve safety and a higher quality of life for the broader community. In addition to discussing when and why the government's authority to promote population health and welfare should yield to individual rights, the course allows students to explore the various tradeoffs inherent in designing health policy, particularly as it relates to the financing of social determinants of health (e.g., housing, education, food) relative to spending on individual medical care. Course content aligns with material learned in Constitutional Law, Administrative Law, and Health Care Law. (Research paper)

6426-10 Public Law Seminar: *Telecommunication and Technology Policy Advocacy* (2) Goodfriend, Kimmelman*

This seminar will examine the legislative, administrative, and regulatory policy-making process in technology and telecommunications. Using case studies in copyright, privacy, broadband, spectrum, and media, students will learn how Congress, the White House, executive agencies and independent agencies shape policy directly impacting the technology and telecommunications sectors and how politics, press, social media, and grassroots advocacy impact governmental decision-making. (Research paper)

**Satisfactory participation in this course will give students a preference for the following opportunities: (a) four summer paid (\$4000) internships for rising 3Ls, and (b) two, two-year paid fellowships (\$65,000 per year plus benefits) for May 2019 GW Law graduates. These opportunities will be at Public Knowledge, www.publicknowledge.org or another comparable advocacy organization.*

6427-10 Selected Topics in Public Law: *Law of Work, Family and Gender (2) N. Schoenbaum*

This course addresses how sex discrimination law and other relevant areas of law regulate our work lives, our family lives, and the gender equality issues that arise at the intersection of the two. Topics covered include single-sex hiring preferences, sex-role stereotyping, sexual harassment, dress codes, pregnancy discrimination, caregiving accommodations, unpaid family labor, affirmative action, and issues facing gay, lesbian, and transgender workers. After completing a survey of our core topics, we will turn to a few contemporary

applications, including media coverage of work and family issues, and gender in the legal profession. (Take-home examination)

6441-11 Energy Law Seminar: *The U.S. Electric System and Sustainability* (2) Attanasio

Advanced level seminar addressing law and policy pertinent to the current transition of the U.S. electric system in response to: sustainability policies and laws, including renewable energy, energy efficiency and conservation; reliability mandates and resiliency concerns; new and evolving technologies such as distributed energy resources, storage and microgrids; and the changing roles of market participants, including consumer participation through demand side management and demand response. Emphasis is on the transition to sustainability, viewed in the larger context of embedded infrastructure, financial and operational considerations, political limitations and energy justice. (Research paper and class participation)

6441-12 Energy Law Seminar: *Electric and Natural Gas Regulation* (2) Yaffe

This seminar focuses on the regulatory underpinnings of the electric and natural gas industries that will be increasingly challenged by technological and policy advances for clean energy and efficiency. The course will focus on federal regulation, primarily by the Federal Energy Regulatory Commission. However, the intersection of changing state regulation with federal regulation will be addressed. The first half of the course will focus on fundamental concepts of regulation, including, among other things, the meaning of the public interest, ratemaking, considerations for permitting new electric plants and pipelines, and practical aspects of practice before regulatory agencies, including enforcement. The second half of the course will apply these principles to specific topics of current interest, such as the mandated increase in clean energy requirements, e.g. California, with federally regulated markets, the relationship of climate regulation and utility regulation, impact of shale gas development on the natural gas and electric generation industries, renewable generation, distributed generation and efficiency, electric markets and regional transmission organizations and the issues involved in the state's effort to turn distributed energy generation on the distribution grid into a wholesale power resource. Those students who have taken administrative law and an introductory energy law course may get more out of this seminar than those who have not. *This seminar is intended to be interactive; students should be prepared to participate actively and the course will be so structured. The class will be conducted as a mixture of lecture and class discussion based on preparation.* Discussion often will focus on specific fact situations. (Research paper, class problems, and class participation)

6466-12 Environmental Law Seminar: *Food & Agriculture* (2) S.C. Silverman

This course explores the complex and interconnected relationship of agriculture and environmental law, agriculture's historical roots in the United States, the evolution of agricultural policy, and modern developments in agriculture and environmental law. Although agriculture plays a critically important role in our economy and in fulfilling our need for abundant, healthy and affordable food, there can be no doubt that modern agriculture also significantly affects natural resources and the environment. Crop production can diminish habitat for wildlife, destroy wetlands, erode soils, contaminate water resources, and contribute to the emission of greenhouse gasses and other air pollutants. This course navigates the complex and evolving nature of agriculture and the environment by exploring the following topics: 1) agriculture in historical legal context; 2) Farm Bill programs; 3) compliance with environmental laws; 4) certification and labeling programs, including labeling of genetically engineered crops and products; 5) conservation and sustainability; and 7) current and future trends in food systems and agriculture. Case studies of specific lawsuits and administrative appeals will often be used to illustrate fault lines in how our society attempts to balance the need to produce cheap and abundant food against the need to protect the environment and conserve natural resources. (Research paper)

6496-11 Intellectual Property Law Seminar: *Legislative-Multinational* (2) Mossinghoff, Oman

International protection of intellectual property under the various treaties, including the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, the WIPO Internet treaties, and the Trade-Related Aspects of Intellectual Property (the TRIPs Agreement), and the

role of national governments and multinational organizations, such as the United Nations, the World Intellectual Property organization (WIPO), and the World Trade Organization (WTO), in the enforcement of patents, copyrights, trade secrets, and trademarks. Also discussed are the Patent and Trademark Office, the Copyright Office, the United States Trade Representative, the International Trade Commission, and the U.S. Department of State, and the role those agencies play in the formulation of international intellectual property standards and the global enforcement of those standards. Recommended prerequisites: Law 6470 (Intellectual Property), Law 6471 (Patent Law), Law 6472 (Copyright Law), or Law 6474 (Trademark Law and Unfair Competition). (Research paper)

6496-12 Intellectual Property Law Seminar: *Foundations of Intellectual Property* (2) Sipe

Why do we provide legal protection for intellectual property--what is our goal? The differing answers to this question inform how we view everything from offensive trademarks to life-saving drug patents. This seminar focuses on these theoretical foundations of intellectual property law, spanning classical theories of natural law to modern debates in utilitarianism. Together, we will examine how those theories explain (or fail to explain) the law governing patents, copyrights, and trademarks, in contrast to each other as well as traditional property. My primary goal is to provide you with a diverse conceptual toolbox that you can then bring to bear on your own research paper, covering a particular case, topic, or issue in intellectual property that interests you. Grades will be based on a combination of participation in class discussion and that research paper, which you will present to the class at the end of the term. (Research paper, class presentation, and class participation)

6496-20 Intellectual Property Law Seminar: *Advanced Entertainment Law* (2) J. Rosenthal

Selected issues of current importance in the entertainment industry, including the YouTube case, the Cablevision case, the Grokster case, the Copyright Royalty Board decisions, Orphan Works, the Copyleft-Copyright debate, Internet piracy, media consolidation, music licensing reform, and the role of the lawyer in the constantly evolving entertainment industry. Each student will prepare a paper of publishable quality and will be required to present and defend their topic before the class. Prerequisite: Law 6472 (Copyright Law) or Law 6475 (Entertainment Law). (Research paper)

6509-20 Government Contracts Seminar: *State and Local Procurement* (2) Yukins

This seminar will cover state and local procurement in the United States, drawing on the Model Procurement Code and other leading state and local models. State and local procurement markets – long the forgotten stepchildren of U.S. procurement law – are rapidly growing in prominence and importance. The seminar will give students a solid grounding in common procurement methods, and solutions, used in state and local governments, and will compare those to federal procurement systems. The seminar will assess why federal and state procurement legal systems have evolved with so little interaction, and will ask whether we should do a better job of bringing them more in line with one another, and, if so, how. In examining why procurement law regimes in the United States are not better integrated, the seminar will look to European and other foreign models of integration and harmonization, and to the role of grants in integrating the federal government into state procurement systems. Enrollment is limited. (Mid-term examination and 20-page research paper)

6561-11 Selected Topics in Public International Law (3) Dickinson

This class will explore cutting-edge issues at the intersection of international humanitarian law and national security law, including targeting and detention in non-international armed conflicts, the law of the end of armed conflict, national security privatization, and the use of new technologies such as autonomous weapons. We will discuss specific, ongoing case studies, including the conflicts in Syria, Yemen, and Afghanistan, counterterrorism operations in Africa, the future of detention at Guantanamo Naval Base, the proposal increase the deployment of private contractors in Afghanistan, and the use of increasingly autonomous drones. (Writing assignment and research paper)

6561-12 Selected Topics in Public International Law: *Immigration Criminal Enforcement* (2) Golparvar

This course examines the interplay between criminal law and civil immigration law. The class will discuss the legal and constitutional implications of criminal immigration issues, specifically the consequences of criminal and terrorism activities and convictions for foreign-born individuals, immigration detention, U.S. citizenship laws and denaturalization, removal proceedings, and relief from removal. Students will understand how crimes and convictions will impact an individual's immigration status and the civil and criminal consequences that can stem from an arrest, conviction, or violation of our immigration laws. Prerequisite or co-requisite: Law 6538 (Immigration Law I). (Examination)

6564-20 International Business Transactions Seminar: *Settlement of International Economic Disputes* (2)
Alexandrov

This seminar will focus on institutions and mechanisms for the settlement of international economic disputes. We will discuss the nature of such disputes and will seek to define the variables that affect their settlement. This model of analysis will be applied to institutions and mechanisms such as the GATT/WTO, the NAFTA, investment dispute settlement mechanisms, disputes in and with the European Communities, etc. We will identify the differences between the various dispute settlement mechanisms, reflecting the different nature of the disputes they are designed to settle. This seminar will analyze the elements of the dispute settlement process (e.g., parties, procedure, remedies, enforcement, etc.) and how they vary in each dispute settlement mechanism. (Research paper)

6592-10 Jurisprudence Seminar: *You Can't Argue Like That* (2) Steinhardt

This seminar offers a case-based approach to arguments about the nature of law, authority, and persuasion. It is divided into three parts: (i) an examination of traditional and contemporary schools of jurisprudence (e.g., natural law, positivism, law and economics, feminist legal theory, legal realism, critical race theory), using cases as the primary authority rather than scholarly writings; (ii) analysis of certain identifiable and recurring types of legal arguments (e.g, reasoning by default, interpreting statutes and the common law, and the power of fallacies); and (iii) applying what we know (or think we know) about theories of law by applying them in particular settings, like international law, property, and punishment. Enrollment limited to 16 students. (Class participation, writing assignments, and research paper)

6869-10 Selected Topics in National Security Law: *Regulation of Foreign Access to U.S. Technology* (2)
Abdelhady

The United States has long been a leader in technology. U.S. law and policy has generally permitted foreign parties—both private and sovereign-owned entities—to access U.S. technology commercially through foreign direct investment, joint ventures, and other commercial arrangements, as well through academic and other research environments in which foreign parties participate through collaborations and foreign nationals who study or conduct research at U.S. academic and other institutions. Notwithstanding the general U.S. position favoring openness to foreign participation in U.S. commerce and research, U.S. officials and opinion influencers have raised concerns about foreign access to U.S. technology, particularly by nations (or their representatives) viewed as economic and potential military rivals. Of particular concern are cutting-edge technologies such as Artificial Intelligence, most notably where they have both commercial and military applications. In the past few years, concerns about foreign access to U.S. technology have grown more widespread, and criticisms of foreign access to U.S. technology have become louder and more frequent, including at the highest levels of the U.S. government. Importantly, these concerns are materializing as adopted and proposed legislation, regulations and policies restricting foreign access to U.S. technology. This course explores commercial, strategic, legal, and policy issues and developments pertinent to foreign access to U.S. technology, an area that implicates commercial, trade, and national security laws and policies. (Take-home examination and class participation)

6869-20 Selected Topics in National Security Law: *Guantanamo Bay Detention: Ethics, Law & Policy* (1)
Lewis

This course addresses the ethical, legal and policy dilemmas facing the decision-makers of the Bush and Obama Administrations regarding the detention facility at Guantanamo Bay, Cuba. The course will examine the decisions

facing U.S. policy-makers, focusing on the ethics involved in every-day decision-making, weighing priorities and tradeoffs. Throughout, the course will focus on decision-making processes and case studies, in order to challenge students to understand how decisions are made, as well as engage in their own decision-making processes. Among the substantive issues which will be covered in the course are the Geneva Convention, the legal authority to detainee, interrogation techniques, intelligence gathering, treatment of detainees, military commissions, oversight by Congress, oversight by the judicial branch, the arguments in favor of against closing GTMO, and the future of GTMO. (Research paper and class participation)

6872-10 National Security Law Seminar: *Foreign Intelligence Surveillance Act Seminar (2) Bartee-Robertson*

This seminar will be an in-depth study of the Foreign Intelligence Surveillance Act (FISA) and how the law has evolved over the past 40 years into the current legal framework utilized by the National Security community today. After completing this course students will fully understand the various provisions of FISA and its amendments, be able to identify the circumstances for pursuing a FISA warrant, discern the specific provision of FISA that applies to a set of circumstances and articulate the correct requirements for an application to the Foreign Intelligence Surveillance Court. They will also understand the significance of balancing National Security interests with the US citizen's privacy rights. Students must have one of the following courses as a prerequisite before taking this course Law 6870 (National Security Law); Law 6878 (Intelligence Law); or Law 6875 (Counterterrorism Law) prior to enrolling in this course. Student may be able to take this course in conjunction with one of the above courses with professor's approval. (Research Paper)

6872-20 National Security Law Seminar: *Domestic Terrorism (2) Brzozowski*

This course will examine the legal architecture that undergirds domestic terrorism investigations and prosecutions and the policy consequences that flow from that framework. Students will consider domestic terrorism in context, assess its historical evolution, and evaluate the resulting legal and policy implications. Students will better understand the distinctions between international and domestic terrorism and appreciate the singular peculiarities of domestic terrorism investigations and prosecutions. This course also will assess the broader impact of domestic terrorism on the public in general. Students will consider how domestic terrorism is understood by the media, by advocacy organizations and academic institutions. We will evaluate efforts to study domestic terrorism, consider the conclusions drawn from these studies, and weigh their impact on policymaking in this area of national security. Finally, this course will provide insights into the ever-shifting crosscurrents between law and policy as our nation charts a course between liberty and security. Domestic terrorism uniquely illustrates the many challenges and obstacles in navigating this terrain. (Research paper)

II. REVISIONS TO COURSE DESCRIPTIONS IN THE BULLETIN

6218-11 Professional Responsibility & Ethics (2 or 3) Tuttle

This course will be offered for 2 credits in the Spring 2019 semester.

6218-12 Professional Responsibility & Ethics (2 or 3) C. Lee

This course will be offered for 2 credits in the Spring 2019 semester.

6218-20 Professional Responsibility & Ethics (2 or 3) Szabo

This course will be offered for 2 credits in the Spring 2019 semester.

6230-11 Evidence (3 or 4) Braman

This course will be offered for 3 credits in the Spring 2019 semester.

6230-12 Evidence (3 or 4) Pierce

This course will be offered for 3 credits in the Spring 2019 semester.

6232-10 Federal Courts (3 or 4) Siegel

This course will be offered for 3 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6232-20 Federal Courts (3 or 4) Gavoor

This course will be offered for 3 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6252-10 Securities Regulation (3) Gabaldon

The method of evaluation for this course will be an examination in the Spring 2019 semester.

6254-10 Corporate Finance (2 or 3) Roth

This course will be offered for 2 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6263-11 Selected Topics in Corporate Law (Entrepreneurship and the Law) (1, 2, or 3) Manns, D. Falk

This course will be offered for 2 credits and the method of evaluation for this course will be a take-home examination in the Spring 2019 semester.

6263-12 Selected Topics in Corporate Law (Business Law Beyond Corporations) (1, 2, or 3) A. Morrison

This course will be offered for 3 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester. LL.M. students only.

6266-20 Labor Law (2 or 3) Babson

This course will be offered for 2 credits in the Spring 2019 semester.

6268-10 Employment Law (2 or 3) N. Schoenbaum

This course will be offered for 3 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6284-10 Creditors' Rights and Debtors' Protection (3 or 4) D. Levine, Kearns

This course will be offered for 3 credits in the Spring 2019 semester.

6285-20 Business Bankruptcy & Reorganization (3) Baxter

The method of evaluation for this course will be an examination in the Spring 2019 semester.

6290-10 Banking Law (2 or 3) Wilmarth

This course will be offered for 3 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6295-10 Sports and the Law (2 or 3) Duru

This course will be offered for 2 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6296-20 Business Planning (2 or 3) Ting

This course will be offered for 3 credits in the Spring 2019 semester.

6298-10 Insurance (2 or 3) Mayerson

This course will be offered for 2 credits in the Spring 2019 semester.

6300-11 Federal Income Tax (3 or 4) K. Brown

This course will be offered for 3 credits in the Spring 2019 semester.

6304-10 Partnership and LLC Tax (2 or 3) M. Sanders

This course will be offered for 2 credits in the Spring 2019 semester.

6312-10 International Taxation (2 or 3) K. Brown

This course will be offered for 3 credits in the Spring 2019 semester.

6342-10 Trusts and Estates (3 or 4) R. Palmer

This course will be offered for 3 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6342-20 Trusts and Estates (3 or 4) Edmisten

This course will be offered for 3 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6348-10 Family Law (3 or 4) Ross

This course will be offered for 3 credits in the Spring 2019 semester.

6350-20 Domestic Violence Law (2 or 3) Runge

This course will be offered for 2 credits in the Spring 2019 semester.

6352-11 Family Law Seminar (Reproductive Technologies and the Law) (2) Suter

The method of evaluation for this course will be a research paper in the Spring 2019 semester.

6352-12 Family Law Seminar (Juvenile Justice) (2) Blumenson

The method of evaluation for this course will be a research paper in the Spring 2019 semester.

6360-10 Criminal Procedure (3 or 4) Weisburd

This course will be offered for 3 credits in the Spring 2019 semester.

6360-20 Criminal Procedure (3 or 4) Drinan

This course will be offered for 3 credits in the Spring 2019 semester.

6362-10 Adjudicatory Criminal Procedure (2 or 3) C. Lee

This course will be offered for 3 credits in the Spring 2019 semester.

6362-20 Adjudicatory Criminal Procedure (2 or 3) Sulton

This course will be offered for 2 credits in the Spring 2019 semester.

6363-20 Role of the Federal Prosecutor (2) Goelman, Hoffinger

The method of evaluation for this course will be class participation and a research paper in the Spring 2019 semester.

6364-10 White Collar Crime (2 or 3) Eliason

This course will be offered for 3 credits in the Spring 2019 semester.

6369-10 Computer Crime (1, 2, or 3) TBD

This course will be offered for 2 credits in the Spring 2019 semester.

6372-10 Drugs and the Law (2) Meyers

The method of evaluation for this course will be research paper or in-class workshop in the Spring 2019 semester.

6380-11 Constitutional Law II (3 or 4) P. Smith

This course will be offered for 4 credits in the Spring 2018 semester.

6380-12 Constitutional Law II (3 or 4) Colby

This course will be offered for 4 credits in the Spring 2018 semester.

6380-20 Constitutional Law II (3 or 4) Cheh

This course will be offered for 3 credits in the Spring 2019 semester.

6389-10 Higher Education Law (2) Barber

The method of evaluation for this course will be an examination in the Spring 2019 semester.

6390-10 Employment Discrimination Law (2 or 3) Selmi

This course will be offered for 3 credits in the Spring 2019 semester.

6401-11 Selected Topics in Constitutional Law (Congressional Procedure) (1, 2, or 3) Abel

This course will be offered for 1 credit and the method of evaluation for this course will be a research paper and class participation in the Spring 2019 semester.

6401-11 Selected Topics in Constitutional Law (Unique Legal Problems in DC) (1, 2, or 3) Nathan

This course will be offered for 1 credit and the method of evaluation for this course will be writing assignments in the Spring 2019 semester.

6426-10 Public Law Seminar: *Telecommunications and Technology Policy Advocacy* (2 or 3) Goodfriend, Kimmelman

This course will be offered for 2 credits in the Spring 2019 semester.

6427-10 Selected Topics in Public Law (Law of Work, Family, and Gender) (1, 2, or 3) N. Schoenbaum

This course will be offered for 2 credits and the method of evaluation will be a take-home examination in the Spring 2019 semester.

6432-20 Air Pollution Control (2 or 3) M. Morrison

This course will be offered for 2 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6440-10 Natural Resources Law (2 or 3) Glicksman

This course will be offered for 3 credits in the Spring 2019 semester.

6450-10 Federal Facilities Environmental Law Issues (2) Borro

The method of evaluation for this course will be problem assignments in the Spring 2019 semester.

6452-20 Environmental Issues in Business Transactions (2 or 3) Munteer

This course will be offered for 2 credits in the Spring 2019 semester.

6455-10 International Climate Change Law (2 or 3) Freestone

This course will be offered for 2 credits in the Spring 2019 semester.

6469-10 Environmental Lawyering (1 or 2) Paddock / Vithanage

This course will be offered for 2 credits in the Spring 2019 semester.

6471-10 Patent Law (2 or 3) Karshedt

This course will be offered for 3 credits in the Spring 2019 semester.

6473-20 International Copyright Law (1 or 2) Tepp

This course will be offered for 2 credits in the Spring 2019 semester.

6474-10 Trademark Law and Unfair Competition (2 or 3) Brauneis

This course will be offered for 3 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6474-20 Trademark Law and Unfair Competition (2 or 3) Z. Rosen

This course will be offered for 3 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6482-20 Patent Enforcement (1 or 2) Maurer, Underhill

This course will be offered for 2 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6486-10 Information Privacy Law (1 or 3) Solove

This course will be offered for 3 credits and the method of evaluation will be an examination in the Spring 2019 semester.

6492-20 Advanced Trademark Law (2) Bernstein

The method of evaluation for this course will be a take-home examination in the Spring 2019 semester.

6503-20 Performance of Government Contracts (3 or 4) Schooner

This course will be offered for 3 credits in the Spring 2019 semester.

6508-20 Comparative Public Procurement (2 or 3) Yukins

This course will be offered for 2 credits in the Spring 2019 semester.

6520-10 International Law (3 or 4) Giorgetti

This course will be offered for 4 credits in the Spring 2019 semester.

6520-20 International Law (3 or 4) D. Johnson

This course will be offered for 3 credits in the Spring 2019 semester.

6521-21 International Money Laundering (3) Smith J, Lasich

The method of evaluation for this course will be a paper and take-home examination for the Spring 2019 semester.

6521-22 International Money Laundering (3) Smith J, Lasich

The method of evaluation for this course will be a paper and take-home examination for the Spring 2019 semester.

6527-10 Advanced International Trade Law (2 or 3) Charnovitz

This course will be offered for 3 credits in the Spring 2019 semester.

6528-20 International Litigation (2 or 3) Cohen

This course will be offered for 2 credits in the Spring 2019 semester.

6530-20 International Organizations (2 or 3) DeBartolo, Buchwald

This course will be offered for 2 credits in the Spring 2019 semester.

6532-10 Comparative Law (2 or 3) Cummins

This course will be offered for 2 credits in the Spring 2019 semester.

6534-10 Law of the European Union (2, 3, or 4) Bignami

This course will be offered for 3 credits in the Spring 2019 semester.

6538-10 Immigration Law I (2 or 3) Morales

This course will be offered for 3 credits in the Spring 2019 semester.

6538-20 Immigration Law I (2 or 3) Golparvar

This course will be offered for 2 credits in the Spring 2019 semester.

6543-10 Chinese Law and Legal Institutions (2 or 3) Kellogg

This course will be offered for 3 credits and the method of evaluation will be a take-home examination and writing assignments in the Spring 2019 semester.

6545-10 International Project Finance (2) DeMasi

Project finance is a major type of financing used to fund the acquisition, development, and construction of capital-intensive infrastructure projects (e.g. electric generation facilities, roads and bridges, ports, and airports), and many of these projects involve public-private partnerships between public and private parties. The course will analyze key project finance principles, including economic and credit issues, and key project and financing contracts, in structuring public-private partnerships and project finance transactions, with an emphasis on emerging markets. An analysis of feasibility issues and identifying and mitigating risks in the transactions. Exercises in structuring transactions. Prerequisites or co-requisite: Law 6202 [Contracts I] and either 6522 [International Business Transactions] or 6652 [Legal Drafting] (Transactional), or with permission of the

instructor. Prior enrollment in Law 6250 [Corporations] and 6280 [Secured Transactions] is recommended (Examination)

6546-10 International Law of Human Rights (3 or 4) Steinhardt

This course will be offered 3 credits in the Spring 2019 semester.

6547-10 Regional Protection of Human Rights (2 or 3) Celorio

This course will be offered for 2 credits in the Spring 2019 semester.

6552-10 Law of War (2) Carnahan

The method of evaluation for this course will be a research paper in the Spring 2019 semester.

6557-40 Introduction to Transactional Islamic Law (1 or 2) Abdelhady

This course will be offered for 2 credits in the Spring 2019 semester.

6561-11 Selected Topics Public International Law (1, 2, or 3) Dickinson

This course will be offered for 3 credits and the method of evaluation will be one short reaction paper and a research paper in the Spring 2019 semester.

6561-12 Selected Topics Public International Law (Immigration Criminal Enforcement) (2) Golparvar

This course will be offered for 2 credits and the method of evaluation will be an examination for this course in the Spring 2019 semester.

6591-10 U.S. Legal History (2 or 3) Cottrol

This course will be offered for 2 credits in the Spring 2019 semester.

6592-10 Jurisprudence Seminar: *You Can't Argue Like That* (2 or 3) Steinhardt

This course will be offered for 2 credits and the method of evaluation will be class participation, writing assignments, and a research paper in the Spring 2019 semester.

6595-10 Race, Racism and American Law (2 or 3) Overton

This course will be offered for 2 credits and the method of evaluation for this course will be an examination in the Spring 2019 semester.

6602-10 Law and Accounting (2 or 3) Gabaldon

This course will be offered for 2 credits in the Spring 2019 semester.

6606-10 Law and Literature (2 or 3) Solove

This course will be offered for 2 credits in the Spring 2019 semester.

6607-10 Law and Regulation of Science (2) R. Palmer

The method of evaluation for this course will be an examination in the Spring 2019 semester.

6617-10 Law and Medicine (2 or 3) Suter

This course will be offered for 3 credits in the Spring 2019 semester.

6634-25 Law Students in Court (Civil Division) (4, 5, or 6) D. Johnson

This course will be offered for 6 credits in the Spring 2019 semester.

6639-25 Law Students in Court (Criminal) (4, 5, or 6) D. Johnson

This course will be offered for 6 credits in the Spring 2019 semester.

6647-20 Alternative Dispute Resolution (2 or 3) E. Hoffman

This course will be offered for 2 credits in the Spring 2019 semester.

6648-10 Negotiations (1, 2, or 3) A. Abramowitz

This course will be offered for 3 credits in the Spring 2019 semester.

6648-40 Negotiations (1, 2, or 3) Ray

This course will be offered for 3 credits in the Spring 2019 semester.

6652-11 Legal Drafting (National Security) (2 or 3) Singh

This course will be offered for 2 credits in the Spring 2019 semester. Through simulations and writing assignments focused principally on the work of the National Security Council and the senior staff of Executive Branch agencies, students learn the fundamental skills necessary to be a successful policy attorney. Topics include drafting and delivering effective executive briefings, shaping and writing policy directives, preparing for congressional engagement, and other drafting and communication skills required of policymakers, as well as how those skills are applied to real-world national security problems every day. No prior national security coursework is required.

6652-12 Legal Drafting (Litigation) (2 or 3) Goodman

This course will be offered for 2 credits in the Spring 2019 semester. This course is directed to students gaining a more “real world” sense of the practice of federal civil litigation. Students are given a detailed fact scenario that they work on throughout the semester. The fact scenario is a federal litigation matter where students represent the plaintiff and/or the defendant(s) at various points during the semester. Given the fact scenario, the substantive course work product focuses on drafting in the practice of federal civil litigation, including a complaint, answer, interrogatories, request for production of documents, appropriate responses, motions to compel discovery, and motions for summary judgment. A student who completes this course should have a knowledge and understanding of the federal civil litigation process, including an understanding of the rules, standards, and best practices. Students should also develop confidence in lawyering and litigation skills, including an appreciation that advocacy in all legal drafting (including themes and story-telling) is the foundation of the entire civil litigation process

6652-21 Legal Drafting (Litigation) (2 or 3) Zaidi

This course will be offered for 2 credits in the Spring 2019 semester. This section of Legal Drafting will provide students with a real world sense of drafting in the course of federal civil trial and appellate litigation. The course will discuss practical concerns that arise at every stage of civil litigation, including during discovery, at trial, and on appeal. Using problems based on actual cases, the course allows students to make strategic decisions about how to manage a case, obtain necessary evidence, and present a compelling argument to advance their client's interests. Students will also consider the relevant Federal Rules and procedural/substantive concerns at each stage of litigation, while ultimately drafting a complaint, discovery request, motion for summary judgment, and appellate brief.

6652-22 Legal Drafting (Transactional) (2 or 3) Berl

This course will be offered for 2 credits in the Spring 2019 semester. This section of Legal Drafting will focus on drafting documents used in business transactions by or with corporations. With each document students will discuss the business context giving rise to the need for that document and prepare a draft to memorialize the transaction.

6666-11 Research and Writing Fellow (Deans) (1 or 2) DeSanctis/Singh

This course will be offered for 2 credits in the Spring 2018 semester.

6666-12 Research and Writing Fellow (Writing) (1 or 2) Gambert

This course will be offered for 2 credits in the Spring 2018 semester.

6666-13 Research and Writing Fellow (Deans) (1 or 2) DeSanctis/Singh

This course will be offered for 2 credits in the Spring 2018 semester.

6869-10 Selected Topics in National Security Law (Regulation of Foreign Access to U.S. Technology) (1, 2, or 3) Abdelhady

This course will be offered for 2 credits and the method of evaluation will be a take-home examination and class participation in the Spring 2019 semester.

6869-20 Selected Topics in National Security Law (Guantanamo Bay Detention: Ethics, Law & Policy) (1, 2, or 3) Lewis

This course will be offered for 1 credit and the method of evaluation will be a research paper and class participation in the Spring 2019 semester.

6870-10 National Security Law (2 or 3) Warren

This course will be offered for 2 credits in the Spring 2019 semester.

6871-20 U.S. Foreign Relations Law (2 or 3) Matheson

This course will be offered for 2 credits in the Spring 2019 semester.

6872-10 National Security Law Seminar (Foreign Intelligence Surveillance Act) (2 or 3) Bartee-Robertson

This course will be offered for 2 credits in the Spring 2019 semester.

6872-20 National Security Law Seminar (Domestic Terrorism) Brzozowski (2 or 3)

This course will be offered for 2 credits in the Spring 2019 semester.

6875-20 Counterterrorism Law (2 or 3) Petrila

This course will be offered for 2 credits and the method of evaluation will be a take-home examination in the Spring 2019 semester.

6877-10 Nuclear Nonproliferation Law & Policy (2 or 3) Jonas

This course will be offered for 2 credits in the Spring 2019 semester.

6879-20 Cybersecurity Law and Policy (2) M. Buchwald, Groves

The method of evaluations for this course will be a take-home examination in the Spring 2019 semester.

III. SPECIAL COURSE SCHEDULING

6203-21 Contracts II – Maggs

Tuesdays & these Wednesdays: 1/9, 1/23, 2/6, 2/20, 3/13, 3/27, and on 4/10 (7:05-8:00pm)

6213-21 Civil Procedure II – Schaffner

Thursdays & these Wednesdays: 1/16, 1/30, 2/13, 2/27, 3/20, 4/3, and on 4/10 (6:00-6:55pm)

6218-11 Professional Responsibility and Ethics – Tuttle

Meets MTW for 9 weeks

6351-11 Reading Group: *Criminal Justice Reform and The Wire* – R. Fairfax

Meets Wednesdays for 7 weeks

6351-12 Reading Group – Solove

Meets Wednesdays for 7 weeks

6351-13 Reading Group: *The Role of the Public Defender* – Pinckney

Meets Wednesdays 7 weeks

6351-14 Reading Group: *Consumer Product Safety Commission Practice* – M. Robinson

Meets 1/8, 1/22, 2/5, 2/19, 3/12, 4/9, and on 4/10 (12:05-1:00)

6380-20 Constitutional Law II – Cheh

Wednesdays & these Fridays: 1/11, 1/25, 2/8, 2/22, 3/15, 3/29, and on 4/12 (7:05-8:00pm)

6401-11 Selected Topics in Constitutional Law: *Congressional Procedure* – Abel

Meets 1/8, 1/29, 2/12, 2/26, 3/12, 3/26, and 4/9 (6:00-6:55)

6401-12 Selected Topics in Constitutional Law: *Unique Legal Problems for DC* – Nathan

Meets 2/20, 2/27, 3/13, 3/20, 3/27, 4/3, and 4/10 (3:50-4:45)

6522-20 International Business Transactions – M. Daly

Wednesdays & these Fridays: 1/11, 1/25, 2/8, 2/22, 3/15, 3/29, and on 4/12 (7:05-8:00pm)

6557-40 Introduction to Transactional Islamic Law – Abdelhady

Meets 3/15-3/17, 3/29-3/31, 4/6 at 12:30-3:30 & 4/7 at 12:30-3:00

6646-40 Mediation –B. Harvey

Meets 1/26–1/27 & 2/2–2/3, Saturday and Sundays (9am–6:30pm)

6648-40 Negotiations – Ray

Meets 3/15–3/17 and 4/6–4/7, Fridays (12:00–4:30pm), Saturdays and Sundays (9am–6:30pm)

6677-40 Pre-Trial Practice in Civil Cases – A. Robinson, Z. Rainey, Keenan, Gardner, LoRe

Meets 1/12-1/13, 2/2-2/3, & 2/23 Saturdays and Sundays (9am-5:30pm)

6690-25 Thesis I – Han

Dates to be determined by the instructor.

6691- all sections Thesis II – Han

Dates to be determined by the instructor.

6869-20 Selected Topics in National Security Law (Guantanamo Bay Detention: Ethics, Law & Policy)

Lewis

Meets 1/9, 1/23, 2/6, 2/20, 3/20, 4/3, and 4/10 (6:00-6:55)

6874-10 Comparative Military Law – Gilligan

Meets 1/10, 1/24, 2/7, 2/21, 3/13, 3/28, and 4/11 (3:50-4:50)

IV. NEW COURSES

V. COURSE CANCELLATIONS

6452-20 Environmental Issues in Business Trans – Munteer

This course will not be offered in the Spring 2019 semester.

6469-10 Environmental Lawyering - Paddock / Vithanage

This course will not be offered in the Spring 2019 semester.

6480-10 Chemical and Biotech Patent Law – Adelman

This course will not be offered in the Spring 2019 semester.

6263-12 Selected Topics in Corporate Law: *Business Law Beyond Corporations* - A. Morrison

This course will not be offered in the Spring 2019 semester.

6631-25 Health Rights Law Clinic – Jackson

This course will not be offered in the Spring 2019 semester.

VI. REGULAR FACULTY MEMBERS ON LEAVE

The following regular faculty members will be on leave for some or all of the 2018-2019 Academic Year:

- D. Clarke (Academic Year)
- J. Banzhaf (Spring 2019)
- R. Lerner (Academic Year)
- S. Murphy (Academic Year)
- A. Olesen (Academic Year)
- J. Rosen (Academic Year)
- S. Rosenbaum (Spring 2019)
- R. Schechter (Academic Year)
- E. Swaine (Academic Year)

VII. FACULTY MEMBERS NOT INCLUDED IN THE BULLETIN

The following faculty members will teach courses during the 2018-2019 Academic Year but are not listed in the current Law School Bulletin: