

CIVIL LAW (CVGL)

CVGL 0101. CIVIL PROCEDURE. (4 to 5 Credits)

The study and critical evaluation of principles applicable to the litigation of civil cases. The course considers the structure of an individual lawsuit and provides an introduction to judicial systems, including both the relationship of state court systems to each other and the role of the Federal courts in our system of federalism. The course places particular emphasis upon the Federal Rules of Civil Procedure and on basic principles of jurisdiction including both personal jurisdiction and federal subject matter jurisdiction. <p> SUMMER 2016 Professor Landau:
 This course considers the structure of an individual lawsuit and provides an introduction to judicial systems, including both the relationship between state and federal court systems and the role of the federal courts under our system of federalism. The course places particular emphasis upon the Federal Rules of Civil Procedure; on basic principles of jurisdiction, including both personal jurisdiction and federal subject matter jurisdiction; and on application of state and federal law in federal courts. Four-credit courses that meet for 150 minutes per week require three additional hours of class preparation per week on the part of the student in lieu of an additional hour of formal instruction.

Attributes: JD, LMCO.

CVGL 0262. CONFLICT MANAGEMENT SYSTEMS DESIGN. (2 Credits)

This seminar is an interactive workshop designed to introduce students to the theory, principles and practice of conflict management systems design with the goal of training students to assume this new and creative professional role. Lawyers are increasingly being called upon to act not simply as litigators or deal-makers, but also as process architects to use alternative forms of dispute resolution for institutions, organizations and governments. In addition, attorneys are being asked to design, tailor and manage systems to handle multiple disputes in an effective and efficient manner, such as those arising from mass torts, natural disasters, human rights violations, government programs and technology. Students will be expected to read, write, discuss, critique and participate in simulated exercises. After an overview of conflict management theory and principle, students will, through readings, study actual dispute systems (mass tort, natural disaster, health care, judicial, commercial, international) that reflect conflict management systems design principles. Then through a series of hands-on role plays and exercises, students will have the opportunity to develop systems design skills. Students will work on consulting teams during class time and develop practical consulting skills in their simulated roles as dispute systems designers. The practical and ethical implications of systems design work will be explored, as well as opportunities for synthesis of systems design skills into legal practice. The class meets two Friday afternoons and two Saturdays (all day). Due to the intensive and interactive nature of the seminar, timely attendance at all class sessions is mandatory. Grades will be based on class participation and a 10-page final seminar paper analyzing a current dispute system, designing a new system or proposing a new framework for the systems design field.

Attributes: INLJ, LDE, LIDR, LLM.

CVGL 0291. ELECTRONIC DISCOVERY AND INFORMATION GOVERNANCE. (2 Credits)

Long gone are the days when discovery meant endless hours wading through boxes of paper documents. In today's world litigation is all about electronically stored information, which includes email, but also text messages, social media, databases and any other kind of digital content, wherever and however stored, iPhone or Cloud, business or personal. This digital transformation and the explosion in the volume of data has led to major overhauls of the Federal Rules of Civil Procedure as recently as December 2015, as well as new Federal Rules of Evidence and volumes of case law. The course teaches you the law and practice of electronic discovery, a subject matter that is far more broad than its name suggests. Although the course focuses on discovery in the context of litigation, it also covers pre-litigation information governance and records management, the duty to preserve and the evidentiary admissibility of electronic information, among other things. Data privacy and security play key roles. Guest lecturers including judges, in house practitioners, technology experts and more have traditionally been featured throughout the course. <p> No prior knowledge or experience with technology or evidence law required.

Attributes: LDF, LIDR.

CVGL 0299. LAW OF DEMOCRACY. (2 Credits)

This course surveys the theory and law governing elections, politics, and access rights to democratic political institutions by examining a series of the most important cases in election law, and the political theories underpinning them. Topics covered include voter ID laws, redistricting, campaign finance reform, and laws governing who determines the rules of political parties. The class will focus on key Supreme Court cases in election law and looks at the shift of the ideas governing democracy over history. Grades will be based on a paper or a take home final examination (80%) and class participation (20%), which includes one or more in-class presentations. <p> Laptops are permitted in class. Students who wish to write a 4,000-6,000 word term paper instead of a final examination may do so, but they must commit to the paper and confirm a paper topic by March 15th. Word limits on both sides are strict. <p> The basic textbook is *The Law of Democracy: Legal Structure of the Political Process*, by Issacharoff, Karlan, and Pildes (IKP). Students should read Richard Hasan's Election Law Blog (<http://electionlawblog.org/>) for current events.

Attribute: LLM.

CVGL 0342. FEDERAL COURTS. (3 to 4 Credits)

A study of selected problems arising in connection with the limited subject matter jurisdiction of the federal courts for example, case or controversy requirements such as standing, separation of powers problems, congressional controls over federal courts, federal common law and implied rights of action, the right and procedures to petition for a writ of habeas corpus from federal courts, federal remedies against officials and municipalities, sovereign immunity, and relationships between federal and state courts.

Attributes: LDF, LIDR, PIF.

Prerequisites: FCGL 0102 and CVGL 0101.

CVGL 0343. ANTI-DISCRIMINATION LAW. (3 Credits)

This course provides an introduction to statutory and constitutional law that has been or can be deployed to address discrimination across a variety of contexts (employment, housing, public accommodations, education, and voting) and across a host of protected class bases (including race, ethnicity, gender, disability, age and sexual orientation). Course materials will include interdisciplinary readings that pose significant questions about the development, direction, and efficacy of anti-discrimination law. Classroom discussions of the academic materials will be complemented with presentations by practicing attorneys and multi-media sources that seek to add a practice component. The course grade will be based upon class room participation and the choice of either a Final Examination or Research Paper. Research paper topics must first be approved by the professor. For students wishing to satisfy the upper-class writing requirement with this course, prior professor approval is required.

Attributes: LLM, PIE.

CVGL 0405. CONFLICT OF LAWS. (2 or 3 Credits)

A study of the principles and rules applicable when courts adjudicate transactions connected with more than one jurisdiction. Problems of choice of law, jurisdiction, and recognition of judgments are considered in light of traditional and modern analyses and the constitutional limitations.

Attributes: LDF, LIDR, LMCO.

CVGL 0408. DISCOVERY & PRE-TRIAL PR. (2 Credits)

This is an advanced civil procedure course that focuses on the pretrial process, from the client interview through pretrial motions, with an emphasis on discovery and its role in the pretrial process. As a skills class, students will have oral and written assignments through out the semester. In addition, in lieu of one class session, the students will observe proceedings in the United States District Court in Newark, NJ.

Attributes: JD, LAW, LDF.

CVGL 0414. NEW YORK PRACTICE. (3 Credits)

This course will address recent developments in New York civil practice. It will focus on laws and rules in New York practice that have been identified as content topics for the new New York Law Examination portion of the recently adopted Uniform Bar Examination. Topics include: jurisdiction; the Commercial Division; statutes of limitation; pleadings; starting the suit and service; joinder, intervention and class actions; motion practice, including summary judgment; disclosure and e-discovery; settlement; contribution and indemnity; provisional remedies; special proceedings; appeals; and ethics and sanctions. Our course combines a lecture format with a lively give and take discussion examining both practical and policy aspects.

Attributes: LDF, LMCO.

CVGL 0420. COMPLEX LITIGATION. (3 Credits)

A significant part of modern civil litigation practice involves complex cases with numerous parties and claims. Such cases arise in a wide range of substantive fields, including product liability, antitrust, civil rights, employment discrimination, environmental harm, and securities. As a procedural matter, some of these cases are adjudicated or settled as class actions, while others are handled through various forms of non-class aggregate litigation. This course examines the theory and practice of complex multiparty cases. Readings and discussions will focus on class actions and other advanced procedural topics including multidistrict litigation, mass settlements, and phased trials.

Attributes: JD, LDF.

CVGL 0780. CONGRESSIONAL INVESTIGATIONS. (2 Credits)

This course will focus on the scope and contours of Congress's oversight authority and how it has evolved over time. It will also examine the interplay between congressional investigations and the separation of powers between the Legislative, Judicial, and Executive branches of government and how such investigations can impact private actors. Topics covered will include, among others, committee jurisdiction and grants of authority, interaction with the Executive Branch and claims of Executive Privilege, judicial review of congressional oversight activities, the impact of congressional oversight on parallel investigations and proceedings, the applicability of constitutional and common law privileges, the congressional contempt power, and current trends in congressional investigations in light of a changing political dynamic in Washington (including the role of the minority party and specially-constituted investigative commissions). The world of congressional investigations is truly interdisciplinary—these high-stakes investigations often involve overlapping, and at times competing, considerations of law, legislation, lobbying, policy, politics, public relations, and media. Rarely does a congressional investigation occur in a vacuum; for an issue to attract a congressional committee's attention, it is often necessarily subject to parallel criminal and civil proceedings. Therefore, students will be challenged to assess the spectrum of risk a subject or witness might face, including criminal exposure, impact on parallel litigation, administrative or regulatory issues, media scrutiny, reputational and economic risk, and negative legislative results. Students will also consider the myriad objectives of a congressional investigation, including evaluating compliance with the law, supporting or opposing legislation, or advancing a particular political agenda. Grades will be determined based on class participation (15%) and a take-home final exam (85%).

Attributes: INLJ, LLM.

CVGL 0929. CURRENT ISSUES IN POLICE REFOR. (2 Credits)