JURISPRUDENCE (JUGL)

JUGL 0129. ELECTORAL COLLEGE. (2 Credits)
This course will explore the origins of the system; the American context in 1787; the impact on the college of political parties; the hidden defects and dangers in the system that manifested themselves; the workings of the system prior to the Civil War; the post-Civil War history and the rise of close elections and faithless presidential electors; and the engagement of lawyers in changing the system, resulting in passage of a popular vote constitutional amendment by the House of Representatives in 1969. <p>
The course will analyze current proposals to reform the system, including the national popular vote plan; the impact of the media and polls in the functioning of the system; and the understanding of the Electoral College system by the American people. It will also discuss the intersection of the Electoral College with the presidential succession system. <p>
The course will be taught by Professor John D. Feerick, who served as advisor to the 1966-67 American Bar Association Commission on Electing the President and provided the views of the ABA in testimony before Congress during the period 1967-79. He participated in the drafting of the 1969 proposed amendment, is the author of a major article on the subject for the Fordham Law Review, and has spoken widely on the subject before citizen and other groups. <p>
Professor Feerick will be assisted by adjunct Professor John Rogan, who currently co-teaches a clinic on the presidential succession system and is a graduate of Fordham Law School, Class of 2014. There will be several guest speakers. <p>
There will be a take home examination or, alternatively, a paper on some aspect of the system.
Attribute: LLM.

JUGL 0206. RESPONSIBILITIES OF PUBLIC LAWYERS: CONFRONTING ISSUES OF RACE, GENDER, CLASS & SOCIAL CHANGE. (2 Credits)
This course will focus on the relationship of race, gender, and class to different social change strategies and different roles for lawyers as well. We shall explore the role of lawyers in influencing contemporary public policy and the role of legal discourse in framing issues such as access to, the diversity of, and participation within higher education; the use of the criminal justice system as a major instrument of urban public policy; gay marriage issues of assimilation v structural reform; the role of gender within the larger society as well as within communities of color. We shall attempt to identify the ways in which the adversarial dynamics of our legal system influence policy choices between means and ends, the zero-sum nature of conflict, and the role of racial, ethnic, gender and economic hierarchy. We will use interdisciplinary readings, experiential learning and case studies to examine various discourse and social change frames for identifying, reframing and problem-solving concrete social justice issues to facilitate social change. Each student will have the opportunity to work with faculty and with other students to plan and help facilitate one of the class sessions. CLASS IS OPEN to no more than 35 students. THERE WILL BE NO EXAM BUT STUDENTS WILL HAVE THE OPPORTUNITY TO WORK WITH FACULTY AND WITH OTHER STUDENTS TO PLAN AND HELP FACILITATE AT LEAST ONE OF THE CLASS SESSIONS.

JUGL 0213. INTRODUCTION TO ISLAMIC LAW: 21st CENTURY ISLAMIC LAW. (2 Credits)
In view of the pro-democracy events sweeping the entire Arab World, this course will stress the legal aspects of revolution, authority, social justice, and human rights. This course explores the impact of Islam on the following areas: Islam and the other: Justice and Public Policy; Human Rights; Islam and Authority; Jihad; Terrorism; and International Law. A 20 page paper is required. Course grade calculated by paper grade, 80% and class participation, 20%. Attendance is mandatory.
Attributes: INLJ, JD, LAWI, LLM.

JUGL 0216. RACE, SEX, & LOVE. (2-3 Credits)
The U.S. Supreme Court rendered its landmark decision in Loving v. Virginia invalidating prohibitions on interracial marriage more than 40 years ago. But race still plays a significant role in the intimate lives of most Americans. Decisions regarding whom we date, marry, or with whom we enter into other long-term intimate commitments are very much colored by race and prevailing racial norms. This course will consider why this is so by exploring the role that state laws and practices regarding the family and intimate associations have played in the social construction of race and racial identity. We will also consider the influence of race and racial norms on our attitudes about sexual intimacy, gender roles, and commonly-held conceptions of and approaches to issues such as marriage, reproduction, and parenting. Students will be encouraged to explore a range of issues relating to race and intimate associations, including how structural issues affect our intimate choices; the role that state laws bearing on family and intimate relations have played in policing racial identity; and the utility of analogies drawn between race and gender-based restrictions on marriage in the current debate concerning the extension of marriage rights to same-sex couples.
Attribute: INLJ.

JUGL 0227. ELECTION LAW. (2 Credits)
We will address the basic issues of Election Law, including the two-party system as the foundation of American politics; the constitutional rights of political parties and their members; the rights of minor parties and independent bodies; ballot access issues; voting rights and representative democracy; and election administration, including voting fraud and suppression. We will also focus on issues relating to the nomination and election of President of the United States, including the electoral college; eligibility requirements; impeachment of the President; and succession and disability issues. A paper will be required, and class participation will be factored into the student’s grade.
Attributes: INLJ, PIE.

JUGL 0232. CRITICAL LEGAL THEORIES. (2 Credits)
The course will explore various critical legal theories. These theories have sought to expose the presence of a straight, white, male subject position at the core of Western legal reasoning. As such, the course considers characterizations of the law as objective and impartial with a healthy dose of skepticism. The first half of the semester will involve an introduction to Feminist Legal Theory, Critical Race Theory, and critical legal studies (including elements of Queer Theory and Literary Theory, as they apply to the law). In the second half of the semester, we will revisit some of the foundational cases and major concepts in the core subjects (for our purposes Contracts, Torts, Property, Constitutional Law, and Criminal Law) and view them through a lens informed by the critical theories. Beyond introducing these theories, the seminar will offer an alternative/revisionist reading of some of the fundamental cases and concepts that students learned in their first year, and will explore reasons why mainstreaming the insights of the “Crits” has proven such a challenging undertaking. <p>
Course Requirements: Students will be expected to submit several short reaction papers during the semester and a final 12-15 page term paper.
Attribute: INLJ.
JUGL 0275. CANON LAW. (2 Credits)
This seminar will offer law school students a preliminary insight into the structure and internal law of the Roman Catholic Church. It will involve a study of the entire Code of Canon Law of the Latin-rite Church with some references to the Code of Law that governs the Eastern-rite Churches (e.g., the Greek, Maronite, Ruthenian and Ukrainian Catholic Churches). The seminar will begin with a basic history of the Church's development of ecclesiastical law. The Code of Canon Law will be studied in detail, with topics grouped into the following categories: General norms that govern Church law, including those affecting juridic persons (similar to civil corporations) The status and role of physical persons in the Church, their rights and duties, and an overview of the Church's fundamental hierarchical structure The Church's educational mission and structures The sacraments, particularly marriage Property and finances, including norms for alienation of property and for trusts and estates Procedural law, especially that governing marriage annulments Sanctions: the penal law governing delicts (Church crimes) and their punishment.

Attributes: INLJ, JD, LLM.

JUGL 0291. REPRODUCTIVE RIGHTS. (2 Credits)
This course will examine the growing body of law concerning the regulation of reproductive healthcare, including contraception, abortion, and assisted reproductive technologies. It will explore the limitations imposed on governments ability to regulate reproductive healthcare by the U.S. Constitution, foreign constitutions, and international human rights treaties, as well as positive obligations imposed by those instruments to ensure access to services. Special attention will be given to comparative analysis of rationales for the protection of reproductive rights. Students will complete several short reaction papers during the semester and there will be a takehome final exam.

Attributes: INLJ, JD, LAWJ, LLM.

JUGL 0293. HOW JUDGES DECIDE. (2 Credits)
This class will explore a fundamental question of our justice system. Whether a case is a civil or criminal matter, one which will be decided by a jury or a judge, the question of how judges decide any of the myriad of issues they confront is critical. The subject is not often explored beyond the simplistic formulation that they figure out the law, apply the facts and then reach a conclusion. But this description ignores all of the essential inputs about just what guides a judge in figuring out the law, and finding the facts and applying one to the other. How does a judge's personal background influence the decision making process? What choices does a judge have when trying to decide how to interpret a statute? Does popular opinion influence how judges decide cases? Should it? Rather than try to understand these and related questions solely from what academics and critics of the system have said, this class will explore these issues and ideas by talking to Judges about what they do. Federal and state court Judges will be invited to participate in class and to be interviewed by us and you about pre-determined topics.
In addition, we will, in advance of such interviews, review the Code of Judicial Conduct, case law and academic literature on each topic. You will be responsible for reading this material in advance of each interview and actively participating in the interviews. Last year's speakers included the following (this year's speaker to be posted):

September 1 - Hon. Brian Cogan - Traditional Forms of Persuasion
September 8 - Hon. Denny Chin - Sentencing
September 15 - Hon. John Gleeson (Ret.) - The Government as Litigant
September 22 - Hon. Vincent Briccetti - Umpires
September 29 - Hon. Loretta Preska (C.J.) - Credibility
October 6 - Hon. Raymond Lohier, Jr., Hon. Rolando Acosta - Appellate Decision Making: Working With Colleagues
October 13 - Hon. Judith Gische Hon. Nancy Gertner (Ret.) - Outside Research
October 20 - Hon. Jed Rakoff, Hon. John Martin (Ret.) - Personal Bias
November 3 - Roberta Kaplan, Esq., Gerald Lefcourt, Esq. - A View From the Bar
November 10 - Hon. Colleen McMahon - Public Opinion, I
November 17 - Hon. Lewis Kaplan - Parmalat: A Case Study

Attribute: LIDR.
JUGL 0294. FACILITATING RELIGIOUS CONFLICTS. (3 Credits)
In collaboration with the Feerick Social Justice Center, this is a three credit course in which students will have the opportunity to work as part of a pastoral project that involves facilitating the transitions that have resulted from the archdiocese of New York’s closing of approximately 32 parishes. In weekly classes at the law school, students will study legal problem-solving skills that combine elements of negotiation, mediation, systems design, consensus building, fact-finding and facilitation. This course also has a casework component which involves empirical research on individual parishes which have been merged. Students will be required to attend specific facilitation meetings at various parishes. Research materials will be available to students at the Archdiocese offices at 1011 First Avenue, New York, New York. The research will involve the fact finding, brief writing, mediation and consensus building regarding the parish closings. Students will be assigned to a pastoral facilitation team of 4-5 members consisting of a conflict management specialist, one religious sister or brother, a pastor and one layperson. Students will travel to local parishes with their team, observe the facilitation meetings with groups who are concerned about the closing of parishes, take notes of the process, and otherwise generally assist the team in the facilitation process. With references to Canon Law, students will participate in sensitive problem solving for individuals involved in the Cardinal’s decisions and the implications. Students will be evaluated on the quality of their class participation, research reports and participation in facilitation meetings.

JUGL 0295. FEMINIST JURISPRUDENCE. (2 Credits)
This seminar will expose students to the foundations of feminist legal theory, the divergent strands within it, and related theories of sexuality. We will examine how feminist theorists have considered sex, gender, and sexuality in understanding and critiquing our legal system and its norms. The seminar will examine the epistemological underpinnings of the law, which result in the privileging of certain legal concepts and forms of reasoning, and how, consequently, these underlying normative premises make the law appear objective and neutral. We will look at how feminist legal theory has contended with issues related to race, class, sexual orientation, nationality, gender, and culture. We will study how social power shapes the way we know and how this leads to the continued marginalization of certain groups in the political arena. Methodologically, the seminar will focus on foundational texts and use them to engage with contemporary issues in law and society.

JUGL 0299. JURISDICTIONAL COMPETITION. (2 Credits)
This course examines the ability of firms and people to select the law that will apply to their dealings and forum where their cases will be adjudicated; competition by states, countries and private parties to supply law and adjudication; and the legal and theoretical implications of this competition. Specific topics covered include corporate and securities laws, commercial transactions, arbitration, consumer and electronic commerce transactions, trusts, real property, and marriage and family law.
Attribute: LLM.

JUGL 0315. LGBT RIGHTS COLLOQUIUM. (2 Credits)

JUGL 0320. LAW OF DEMOCRACY. (4 Credits)
This course examines the laws that govern our democratic process, including campaign finance reform, voting rights, redistricting, ballot access, election administration, campaign advertising and the role of SuperPACs. The course is a blend of constitutional law, legal history and legal theory. We will focus attention on the different legal theories and the empirical assumptions used by lawyers and judges in key Law of Democracy cases. Because of the centrality of constitutional law, we conduct a series of mock Supreme Court arguments around the key cases. There is a take home exam, but students who wish to do so may write a 30 page research paper. 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: INLJ, LAWJ, LLM.

JUGL 0321. LEGAL ISSUES IN GAMING. (2 Credits)
This seminar will explore the legal aspects, both practical and policy-oriented, of gaming (including gambling) in the United States from the varied perspectives of game developers and operators, game players and the public interest. In some respects, a gaming business encounters the same issues facing any enterprise, but in other respects unique or at least highly specialized legal issues are confronted by this multi-billion-dollar industry. A major focus of the course will be intellectual property rights in characters and images, logos, programming and "look and feel" which present copyright, trademark and patent issues. We also will explore contract and licensing issues in some depth as they relate to distribution and monetization. Additional topics will include: data privacy, terms of use, government regulation, free speech issues, Indian gaming law and liability issues. A paper on an approved topic will be required.
Attributes: JD, LAWT, LLM.

JUGL 0347. JEWISH LAW: SOURC, PRIN, JUSRI. (2-3 Credits)
The five legal sources of Jewish law (Halakah), namely, interpretation, codification, custom, precedent and reason provide the framework for the course. Amongst the major topics are: the tension between the lexical meaning of a text and its legal significance; the definition and significance of the categories of Biblical Law (Deorayta) and Rabbinic Law (Derabbanan); Rabbinic legislation running counter to Biblical law; important legislative landmarks in Jewish family law; the "chained wife" (Agunah); the use of reason as a justificatory principle; questions of life and death, and the balancing of competing claims to life in tragic choice situations.
Attributes: JD, LAWT, LLM.

JUGL 0357. INTRODUCTION TO JURISPRUDENCE. (3 Credits)
This introductory course surveys important schools of thought in the philosophy of law from the beginning of the Twentieth Century up to the present day. Key questions in the first part of the course include: What is law? What, if any, is the connection between law and morality? In hard cases brought before top courts, are there right answers? The second part of the course engages philosophically grounded debates about civil disobedience, sexual orientation, and civil rights. Class will be a combination of lecture and discussion. There will be a final examination.
Attributes: JD, LLM.
JUGL 0358. JURISPRUDENCE. (2-3 Credits)
The first part of this seminar is a survey of several major theories and approaches to jurisprudence in the 20th century, theories such as those of H.L.A. Hart, Lon Fuller, John Rawls, and Ronald Dworkin, plus other related topics. We will then turn to some contemporary issues that bear on jurisprudence in a broader sense: Dworkin's recent attempt to resolve conflicts over human rights and terrorism, religion and the state, and redistributive justice, based on principles of human dignity; and Cass Sunstein's warnings about the dangers of "radical judges" and the legal theories they and other judges follow, comparing and contrasting Fundamentalism (originalism), Perfectionism, Minimalism, and Majoritarianism as competing models for court decisions. Other short readings may be assigned. Take-home exam.
Attributes: INLJ, PIF.

JUGL 0359. GENDER AND THE LAW. (2 Credits)
This course provides an overview of gender-related legal issues in the United States. Topics covered in the class include: (i) the definition and relevance of gender and sexuality in the legal context (ii) the interaction between religious and gender/sexual "rights" (iii) constitutional and statutory protections against gender discrimination and the limits of those protections (iv) gender issues in the military (v) reproductive issues including the tension between the rights of pregnant women and "fetal rights" (vi) issues related to gender identity and sexual orientation and (vii) violence on the basis of gender, laws affecting families. Students will be required to write two papers in the class.
Attributes: INLJ, LLM, PIF.

JUGL 0360. MEDIATION & NON-ADVERSARIAL JUSTICE. (3 Credits)
This 3 credit course examines the notion of mediation and explores the language of mediation and conflict resolution through introducing four alternative movements in law: Alternative Dispute Resolution, Restorative Justice, Therapeutic Jurisprudence and Transitional Justice. The six principles which are considered as foundational for alternative movements are: an emphasis on process; an emphasis on constructive conflict intervention; deconstruction and hybridization; a search for an underlying hidden layer; acknowledgement of emotions and relationship; community work and bottom up development. In particular, the course deals with therapeutic lawyering, problem solving courts, victim offender mediation, therapeutic judging and truth and reconciliation committees. A paper is required in lieu of an exam. Students have the option of receiving one extra credit and doing a paper to satisfy the writing requirement.<br>Tuesday & Thursday 9:45 a.m. --12:30 p.m.<br>7 week condensed course—Sept 1–Oct. 18
<br>Visiting professor Michal Alberstein<br>Head of the conflict management & negotiation program<br>Bar-Ilan University, Israel.
Attributes: JD, LAW, PIE.

JUGL 0709. SPECIAL VICTIMS: DOMESTIC VIOLENCE & SEX CRIMES. (2 Credits)
This seminar will provide an overview of the "special victims" offenses of domestic violence (DV) and sex crimes. In the first half of the course, students will be exposed to the evolution of domestic violence law and the many difficult issues involved in the prevention, identification, and prosecution of domestic violence crimes, such as orders of protection, successfully building cases against offenders with reluctant witnesses, and providing services to victims. In the second half of the course, we will focus on sex-based offenses, exploring legal developments and issues faced by sex crimes prosecutors and others, such as how to work with sexual assault victims, the role of forensics and DNA, evidentiary issues including rape shield laws, expert witnesses, and Title IX issues at educational institutions.
Attributes: INLJ, LLM.
JUGL 0781. GENDER, SEXUALITY AND THE LAW. (2 Credits)
This seminar will examine how the law has dealt with, applied to, and been enforced on issues relating to sexual orientation and gender identity, and how sexual orientation and gender identity influence the application of legal rules to individuals in our society. The seminar will address the role of the law in shaping the social meaning of sexuality and identity, and how legal rights, protections, and deprivations have evolved based on identities as heterosexual, lesbian, gay, bisexual, and transgender in a number of contexts including employment, education, marriage, sexual expression, family relationships and the military. Throughout the course, we will examine the extent to which assumptions about morality, gender, and race have shaped the law’s approach, and the ways in which the movement for lesbian, gay, bisexual, and transgender rights is different from and similar to other rights movements. The course will emphasize constitutional doctrines, including equal protection, due process/privacy, and freedom of speech and association. Our primary text will be Sexuality, Gender and the Law by William N. Eskridge, Jr. and Nan D. Hunter.
Attributes: INLJ, PIE.

JUGL 0929. MARKET STRUCTURE AND DEMOCRACY. (2,3 Credits)
This course will explore the debates in economic and political theory about the appropriate kinds of market structure that support or undermine democracy. We will read Brandeis, Robert Bork, Shumpeter, and other key theorists of market structure and democracy, and then apply these different theories to modern day structural questions, such as net neutrality, merger rules for cable companies, laws governing electrical utilities, and laws governing separation of functions within banking. It is primarily a theory course, not a practice course, and the student needs no background in antitrust, banking, or telecom. Students must stay abreast of the reading assignments and actively participate in class discussions. Informed discussions and dialogue between and among the students and instructor is the center of the course. Classes will proceed on the assumption that everyone has done the readings and has opinions and perspectives worth sharing. Students will be required to write a term paper of 5,000-8,000 words.
Attributes: LLM, PIF.

JUGL 02912. MKT STRUCTURE & DEMOCRACY. (2 Credits)