

SEMINAR DESCRIPTIONS
Fall, 2009 Semester
As of July 29, 2009

SEMINAR

LAW-860 (2-3)

Seminars involve a small number of students, usually no more than 12, who engage in extensive research and discussion under a faculty member's supervision. Seminars must include a substantial writing component, for example, a paper of 20 to 25 pages. Ordinarily, the student writing requirement must include: (1) a preliminary draft critiqued by the faculty member and returned prior to the preparation of the final written product; and (2) a final written product. (See Seminar registration form for listing of specific seminar offered during the semester.)

ACCESS TO HEALTH CARE

LAW 860-07 (2)

Pre-requisite: (LAW 757) Health Care Law

This seminar examines the barriers--both financial and non-financial--that interact to limit access to care and analyzes the legal issues that arise when seeking to improve access to medical and public health services. The seminar places particular emphasis on access to care for those who do not have access to private insurance. The focus is on Medicaid, safety net programs, and increasing access to private health insurance. Seminar paper and class presentation are required. Health Law is a prerequisite. (Watson/Fall 2009)

AMERICAN PRESIDENCY: Constitutional Powers, Authority and Limitations

LAW 860-94 (2)

This seminar will examine the American Presidency with particular emphasis on the constitutional grants of powers to the President. Topics will include: (i) the powers, both plenary and shared, of the President in the areas of foreign affairs (including treaties and executive agreements), war-powers, and military deployments; (ii) presidential "signing statements" and the circumstances, if any, under which the President may refuse to enforce unconstitutional laws; (iii) the constitutional basis and limitations on congressional oversight of the executive, with particular focus on the impeachment process; (iv) the treaty making and ratification process and the nomination and

confirmation process, with emphasis on the roles (and relative powers) of the President and Senate; (v) executive privilege and the obligations of the executive to comply with demands for information from Congress or the judiciary; (vi) the pardon power; and (vii) the so-called unitary executive theory. The seminar will consider the framers' concepts of the presidency as reflected in the text of the original Constitution and will explore subsequent understandings of the constitutional status and authority of the chief executive. Each student will prepare a seminar paper which will also be presented to the class. (Willard/Fall 2009)

COPYRIGHT, MUSIC AND NEW MEDIA **LAW 860-62 (2)**

This seminar provides an in-depth treatment of aspects of copyright law that are particularly applicable to the music and entertainment industries, including topics such as copyright infringement, sampling, licensing, fair use and parody, peer-to-peer file sharing and video hosting. The course will also provide a historical context for the interplay of copyright law and the music industry and examine the ways in which recent technological developments have shaped and are shaping the industry and the law.

The seminar will also examine the ways in which issues often first addressed in the context of the music industry are now impacting other industries such as software and computer development, the movie and television and social networking. We will examine the ways in which the development of a variety of technologies has led to the onset of innovative business models while simultaneously challenging the boundaries of copyright law. (Pierson/Fall 2009)

CORPORATE SOCIAL RESPONSIBILITY IN A GLOBAL LEGAL CONTEXT (H) **LAW 86H-31 (2)**

This seminar will examine corporate social responsibility (CSR) from a legal perspective and with a focus on multinational corporations. CSR, the notion that businesses have a broad set of obligations for ethical and socially responsible conduct, has become an important topic in recent years. CSR goes beyond charitable giving and requires that corporations take into account the impact of their operations on a broad range of stakeholders, including employees, customers, suppliers, community organizations, local neighborhoods, and investors, as well as on the environment. It requires corporations to balance the needs of these stakeholders with their primary goal of generating profits for their shareholders. Topics to be covered will include: the traditional view of the role and purpose of the modern business corporation, the structure of corporate governance in the United States and other countries, United Nations initiatives to regulate multinational corporations, voluntary codes of ethical corporate conduct, potential liability of businesses for labor abuses, including human rights violations, environmental damage, and bribery of foreign government officials. Students will be required to prepare a research paper of approximately 20-25 pages and present the paper to the class. TEXTS: Readings provided by the instructor. Enrollment in this seminar precludes enrollment in the Corporate Social Responsibility course offered in the Madrid summer program. (Wagner/Fall 2009)

CRIMINAL JUSTICE & PSYCHOLOGY (H) LAW 86H-16 (2)

In this seminar, we will discuss issues related to criminology, social and cognitive psychology, forensic psychology, and community psychology. Topics will include violence prediction, deterrence, jury decision-making, the criminal mind, and special issues related to juvenile delinquency, among others. We will examine the goals of the justice system and will apply empirical findings and psychological and legal theory in an effort to understand how we are meeting or falling short of those goals. Readings will be empirical and theoretical, and will include law review articles and social science papers. Students will be required to read and present material in class. A substantial research paper will be due on the last day of class. This course counts toward the humanities requirement. (Wilson/Fall 2009)

DEATH PENALTY LITIGATION (H) LAW 86H-04 (2)

This seminar is designed to cover the law, litigation theories and impact of the death penalty in the United States. It begins with a brief historical view of the death penalty and goes through the law regarding the trial, habeas and post-conviction remedies, then finishing up with a brief overview of the international perspective of the death penalty. (Blau&Curran/Fall 2009)

FOUNDERS' CONSTITUTION (H) LAW 86H-81 (2)

This seminar focuses on the period in which the original constitution was proposed, framed and approved. The seminar's objective will be to enter the world of the late 18th century in order to try to learn what those who formulated the U.S. Constitution understood themselves to be creating. All readings for the seminar will date from the period of the framing or before. (Howard/Fall 2009)

INTERNATIONAL HUMAN RIGHTS (H) LAW 86H-12 (3)

Pre-requisite or Co-requisite: LAW 842 (International Law) or the equivalent from another US or non-US law school

This seminar combines the instructional coverage of a course with the scholarly focus of a seminar. It provides an introduction to the substantive and procedural aspects of international human rights law, the development of human rights norms, the human rights clauses of the United Nations Charter, the Universal Declaration of Human Rights, and the principal transnational and regional human rights instruments. Each student will produce a substantial writing on a topic of international human rights law selected by the student in consultation with the instructor. There will be no exam. (Kaufman/Fall 2009)

Issues in Elder Law: Navigating the Administrative Law system
Law 860-12 (2)

This seminar will explore how administrative law proceedings often form the underpinning of elder law cases. This seminar will survey fundamental aspects of elder law and how administrative law procedures and proceedings are frequently integral to obtaining desired outcome for clients. We will review the Medicare, MO Health NET, Insurance Appeal processes and the Federal and State Nursing home transfer and discharge regulatory processes. Specific cases will be reviewed and a mock-appeal process case will be given to students. Students are required to write a scholarly research paper in the area of elder law. (Schuster/Fall 2009)

ISSUES IN IMMIGRATION LAW **LAW 860-17 (2)**

This seminar analyzes fundamental concepts and issues in immigration law salient for immigration advocates and practitioners. Emphasis is placed on building capacity to use Federal Constitutional principles, Federal statutes (e.g., the Immigration and Nationality Act), Title 8 of the Code of Federal Regulations, and case law to critically analyze issues that affect immigrants. Students will be required to complete a research paper and, upon revision, are encouraged to submit the paper for review to a peer-reviewed journal. (Middleton/Fall 2009)

ISSUES IN NON-PROFIT ORGANIZATIONS **LAW 860-46 (2)**

Many educational, religious and healthcare organizations operate in a not for profit status. This seminar will provide an introduction and overview of the nature of the non-profit sector; the structure, organization, operation and governance of non-profit entities; obtaining and maintaining income tax-exempt status; responsibilities of board members; liability issues; sales and property tax; and charitable contributions. Legal issues unique to religious, healthcare, and educational organizations, will be discussed. With the assistance of the professors, students will select a topic of interest, and prepare a 30-35 page research paper. An oral presentation of the paper is required also.

This seminar will be taught by Peter Ruger and Kate Nash. Peter Ruger has served as General Counsel for Washington University and for Southern Illinois University. He is currently a professor in Washington University School of Law's clinical program. He has taught as an Adjunct Professor at Southern Illinois University School of Law, Washington University School of Law, University of Missouri-St. Louis, and at Saint Louis University School of Law. Kate Nash is an attorney at the law firm of Tueth, Keeney, Cooper, Mohan & Jackstadt firm, where she practiced in the area of higher education and non-profit law representing numerous colleges, universities, and other non-profits throughout Missouri and Illinois. (Ruger&Nash/Fall 2009)

LABOR ARBITRATION**LAW 860-20 (2)**

This seminar will help the student explore the history and current application of the arbitration process, including the recent expansive interpretation given to the Federal Arbitration Act. The student will be required to write a paper on a chosen subject and present his/her findings to the class in an oral presentation. Visiting speakers from the employment and commercial fields will provide orienting insights in the first few weeks of the seminar. In a few instances, case files from actual labor cases may be used for the writing of an opinion. (Rohlik/Fall 2009)

LAW AND PHILOSOPHY (H)**LAW 86H-15 (2)**

The seminar will survey philosophical approaches to law over several overlapping periods: The Ancient Greek, Roman, Christian, early modern, modern, and postmodern periods. Each student may pick one or more of these periods and focus on how the philosophers of these periods grappled with the problem of knowledge about law, particularly its connection to morality. Examples of questions that the seminar will raise include: Is knowledge of reality possible for the human mind? Is morality something that is objective and knowable? What is its connection with law? Is knowledge of good law accessible? How can we be sure that our answers to these questions are reliable? What are the available methodologies that will ensure accurate or, at least, reliable knowledge? A research paper will be required towards the end of the seminar. A background in philosophy is not required for this seminar. (Dore/Fall 2009)

PUBLIC HEALTH EMERGENCY LAW, BIOSECURITY AND HOMELAND SECURITY**LAW 860-77 (2)**

This seminar explores the law of public health emergencies and emergency response in relation to homeland security law, including biosecurity law, and systems. The legal underpinnings and structure of public health and emergency response systems will be examined, with particular emphasis on their role in protecting the American people from the consequences of both naturally occurring and manmade emergencies, pandemic disease, and bio-terrorist events. The students will prepare a research paper analyzing selected aspects of public health emergency response law, biosecurity law, or homeland security law. Although not a prerequisite, a prior course or basic background in public health law, biosecurity, or homeland security concepts may be helpful for students who wish to produce original research suitable for publication. (Massa/Fall 2009)

REGULATION OF RESEARCH WITH HUMAN SUBJECTS **LAW 86H-22 (2)**

This seminar examines the legal, ethical and public policy issues surrounding the use of human subjects in biomedical research, focusing on current controversies and efforts to reform the existing regulatory structure. The seminar begins with a historical examination of human subject research and proceeds to examine types of research subject to regulation, the nature of organizations conducting research, how research is funded, and basic methodological issues in conducting research including questions of research design and informed consent. The seminar will critically analyze the current system for

overseeing human subject research and the extent to which it adequately accounts for the changing relationship between academia, industry and government. Student papers and presentations will be required. (Goldner/Fall 2009)

WHITE COLLAR CRIME

LAW 860-78 (2)

This course will cover general white collar crime, including consumer fraud, health care fraud, tax fraud, securities fraud, election fraud and official corruption. It will be taught by one experienced white collar crime prosecutor and a federal magistrate judge (former white collar crime prosecutor) and will accentuate the practical as well as the legal aspects and methods of prosecuting and defending white collar crime. It will be the instructors' aim to make the course as practical as possible, concentrating on actual situations and trials encountered by them in their practice. (Adelman,Crowe/Fall 2009)