

COMPLEX LITIGATION

LAW 860-82 (2)

This seminar will examine the procedural aspects of civil litigation that involves multiple claims and parties, difficult legal and factual issues, or large amounts of money. The seminar will specifically explore the advantages and disadvantages of pursuing class action litigation and shareholder derivative litigation. Each student is required to write and present a substantial research paper on a topic of complex litigation selected by the student in consultation with the instructor. (Scarlett/Spring 2010)

CRITICAL RACE THEORY (H)

LAW 86H-99 (2)

This seminar will explore the burgeoning dynamic body of legal scholarship known as "Critical Race Theory." We will explore the concept of "race" and how it is constructed in Western law and society. We will examine how power and privilege are commonly "race based" and interact with other "intersectionalities". We will interrogate the notion that "law" is objective, technical, and apolitical and will examine the role of the law in creating and re-enforcing inequity. Due to the nature of this seminar, it is mandatory that students electing to participate in this course come into it with an open mind and the desire to engage in positive, constructive intellectual discussion and a detailed examination of the discourse. Requirements for this seminar include: (i) attendance and participation in seminar meetings; (ii) presentation of paper topic and distribution of essay outline to class (iii) a seminar paper. Please note: The professor will not lecture, rather this is a seminar in the true graduate school tradition as student participation and engagement is central to the course. (Miller/Spring 2010)

CURRENT ISSUES IN EMPLOYMENT LAW

LAW 860-56 (2)

Pre-requisite: Prior, or concurrent, registration in at least ONE of the following Employment Law courses (or permission of the instructor)

Labor Law (LAW 830)

Employment Discrimination (LAW 833)

Employment Relations (LAW 781)

Public Employment Law (LAW 834)

Students in this seminar will develop a detailed understanding of selected current topics in Employment Law. The seminar will develop students' practical lawyering skills and their ability to engage in critical theoretical analysis. We will consider developing employment law topics including: the enforceability of mandatory arbitration agreements; burdens of proof in state and federal whistleblower claims; judicial determinations of severity in harassment and constructive discharge cases; summary judgment analysis in cases with direct evidence versus cases with circumstantial evidence; developing law after the ADA amendments of 2008; and other timely topics we select.

Materials will include employment cases that provide a historic basis for the current law; current cases; current legislation, and legal articles. We will discuss the effects that employment statutes and rules, and judicial interpretations thereof, have on the

INFORMATION PRIVACY & DATA SECURITY LAWS

LAW 860-16 (2)

This course examines "Information Privacy," an individual's right to control his or her personal information held by others. The goal of the seminar is to understand how courts, legislatures, and administrative agencies seek to protect information privacy as new technologies and new institutional practices emerge. We will look at the origins of the right to information privacy in American law and how that body of law compares with other countries and council regimes. The seminar examines recent controversies involving identity theft, workplace monitoring, behavioral marketing, the use (and misuse) of customer or personal, private information, and the increasing complications of data explosion and internet application. The course also considers measures that students, families, and consumers can take to protect or address privacy and data security issues. Grading for this course will be based primarily on a final research paper (80%) and class participation or other projects (20%). (Martin/Spring 2010)

JUSTICE BRANDEIS (H)

LAW 86H-98 (2)

Other than Chief Justice John Marshall, Louis Brandeis is often regarded as the outstanding justice of the Supreme Court in our nation's history. Justice Brandeis left a profound imprint on our legal system and his thought and example hold important lessons for the world in which we live. Yet law schools now offer students relatively little exposure to Brandeis and his work. This seminar will draw upon the two humanistic disciplines of history and philosophy to look at Justice Brandeis as a historical figure, and to consider his jurisprudence and the philosophical themes animating it and assess his historical impact on American law generally, and constitutional law more particularly.

This seminar is designed to afford students an opportunity to study Brandeis and a sampling of his notable writings. The seminar will begin with some biographical study of Brandeis. This material will acquaint students with some information about Brandeis before he joined the Court and about his contentious confirmation. This examination will provide background about Brandeis and will also serve as a case study regarding enduring questions which confront our governmental system (e.g., can one predict accurately judicial performance? the nature of the confirmation process). Most of the seminar will focus on studying in depth some of Brandeis' major writings, especially opinions relating to constitutional structure (e.g., federalism, separation of powers) and rights. The seminar will meet for about 5 or 6 weeks before recessing for 4 or 5 weeks for students to focus on their papers. During the time students will be expected to meet individually with Professor Goldstein. The seminar will reconvene during the last few weeks for students to present their work orally. (Goldstein/Spring 2010)

LAW AND DECISION-MAKING (H)

LAW 86H-58 (2)

This seminar will engage students in discussion on the following questions. How do jurors reach verdicts? What determines which issues are most important in a political election? What psychological principles are factors in our environmental regulation and

tax code? Do criminal codes and penalties do a good job of providing appropriate disincentives? Are markets efficient? Why is divorce so prevalent in our society? Many institutions, including our own legal system, have as a feature the notion that when faced with a decision, individuals consider all relevant information, assign each of the possible choices the appropriate weight and arrive at an outcome that maximizes expected utility (i.e., is the most optimal choice, given all of the factors). “Rational choice theory” has come under attack by behavioral theorists and some legal scholars, who point to research demonstrating the human tendency to rely upon mental shortcuts. While these mental shortcuts are helpful in that they minimize the amount of time and effort required to reach a decision, they also lead to outcomes that are different from those predicted by traditional rational choice theory. In this seminar, we will consider behavioral research in our examination of how individuals are influenced by incentives and disincentives and various modes of information dissemination. We will also discuss the effectiveness of the tax code, penal codes, environmental regulation, rules of evidence, and other attempts to regulate human behavior, in light of inherent limitations of human information-processing ability. Students will be required to write and present a substantial research paper. (Wilson/Spring 2010)

LEGAL HISTORY (H)

LAW 86H-23 (2)

This seminar is not intended to present the complete and classic textbook approach to American Legal History, as important as that is, but to also explore its broad and surprising scope even up to yesterday. Hopefully this look at the subject, its footnotes and side lights, will serve to generate interest and to impress students with legal history's value to them as lawyers. Not all American legal history, however, occurs in the United States. We will find some in Russia, the Philippines and elsewhere, but not all of it good. We will examine the first amendment when under great stress at critical times in this country. We will look at some important cases that did not come from our Supreme Court. There will be a few special guests, including several judges, and some videos. A term paper will be required on a legal historical subject of the student's choosing. (Walker/Spring 2010)

LEGISLATIVE PROCESS

LAW 860-98 (2)

The Legislative Process Seminar will focus primarily on how laws are made in Missouri, with an introductory, comparative look at the federal legislative process. Topics to be explored will be the role of committees, the significance of party discipline, lobbying, the effects of term limits, technical legislative procedure, the initiative process, the budgeting process, the roles of the Governor and the General Assembly in appropriating and spending state funds, legislative drafting, and theories of legislation.(Kelley/Spring 2010)

SENTENCING LAW AND POLICY

LAW 860-04 (2)

This course focuses on a key stage of the criminal-justice process: sentencing. The course explores the purposes of sentences and also covers guilty pleas and plea bargaining, procedural rights during the sentencing process, different types of sentencing statutes and guidelines, community-based sanctions, the death penalty, and what constitutes cruel and unusual punishment in non-capital cases. Other subjects to be studied during the course include parole release, probation and parole revocation, and collateral sanctions and consequences. The course provides a forum for not only learning the legal rules governing sentencing but for debating the controversial policy questions engendered by this area of law. (Branham/Spring 2010)

TAX POLICY

LAW 860-55 (2)

In this seminar we will define and discuss the policy goals of the federal income tax system, including: (i) theories underlying the comprehensive income tax base; (ii) the role of equity as a tax policy norm; (iii) the tax expenditure concept; (iv) the “borders” of the income tax base; (v) the progressivity debate; (vi) income versus consumption tax and the “flat tax” proposals; (vii) classical versus integrated corporate income tax systems; and (viii) cross-border tax policy issues. Each student will be expected to engage in research in an area of tax policy (not necessarily income tax policy) with a research paper as the final result. On the basis of the drafts of those papers, students may be invited to present their work to the group. Each student’s grade for the seminar will be based on a combination of the quality of the student’s preparation for, and participation in, class (30%) and the quality of the student’s research (70%). The basic taxation course is a pre-requisite for this seminar. (Ryan/Spring 2010)

THEORIES OF HEALTH LAW (H)

LAW 86H-32 (2)

Pre-requisite: Health Care Law

So what is health law anyway? Is it a unique field of law defined by a set of principles? Or is health law practice indistinguishable from a general legal practice except that its clients come from the health care sector of the U.S. economy? These are the fundamental questions this seminar is designed to address. We will read and discuss a variety of efforts to describe what health law is and is not. Some descriptions attempt to identify a unifying theory of health law, and others conclude that no such unifying theory exists. We will test these assessments by examining how well each describes specific examples of health regulation sampled from a variety of common health law topics (e.g., health care quality, public health, bioethics, and commercial regulation). In addition to participating in weekly roundtable discussions of the assigned readings, each student must write a paper arguing a thesis related to the seminar. (Gatter/Spring 2010)

TRADEMARK**LAW 860-68 (2)**

This course will focus on the fundamental principles of trademark protection including acquisition, registration, infringement and remedies. Students will be expected to participate in the discussion of assigned reading and prepare a paper concerning a topic selected by the student. (O'Neill/Spring 2010)

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 accentuate the practical as well as the legal aspects and methods of prosecuting and defending white collar crime. It will be the instructor's aim to make the course as practical as possible, concentrating on actual situations and trials encountered in his practice as a federal prosecutor. (Goldsmith/Spring 2010)