INITIAL READING ASSIGNMENTS – FALL 2012

Listed below are the initial reading assignments we have received to date. (Note: Initial reading assignments for first-year courses are not included in this list.) Not all professors submit initial assignments, so do not be concerned if there is no listing for one or more of your courses. Even if a course is not listed here, materials for the course should be available in the Bookstore. This list may be updated again if we receive additional assignments.

Assignments added 8/17/12:
- Mergers and Acquisitions (Profs. Patt & Handelsman)

Assignments revised 8/17/12:
- Professional Responsibility (day and evening sections)

Affordable Care Act - Profs. Schmidt and Shapiro
Spend about two hours reading the Supreme Court’s opinions in the Affordable Care Act challenge (National Federation of Independent Businesses v. Sebelius, June 28, 2012, available at http://www.supremecourt.gov/opinions/11pdf/11-393c3a2.pdf). This is a long and often complicated set of opinions. Do your best to figure out the key points of the various opinions. Then, based on your reading, come up with three questions relating to the case – its background, the holding, doctrinal details of the opinions, consequences, or whatever else seems pertinent. We will use these questions as the basis for class discussion. We are currently planning to hold class on the following dates: August 28, September 4, September 18, October 2, October 16, October 30, and November 13. An additional, likely optional session may be held on November 27.

Appellate Courts and Procedure - Prof. Steinman
For the first class, please read Meador, Baker & Steinman, Appellate Courts (2d ed. 2006): Chapter 1, the intro to Chapter 2, and FRCP 50, 59, 60. Please also read the materials that relate to those same pages in the 2009 Supplement to the casebook, which you can get access to via the "Study Aids" section at http://www.lexisnexis.com/lawschool. I look forward to seeing you at the end of August!

Business Entity Formation - Prof. Harper
The required text for this class is Business Planning: Closely Held Enterprises (West, 3rd ed. 2011) by Drake. Read pages 23-36 for the first class and review the syllabus that will be emailed to the class prior to the first class. We will use the online resource Practical Law Company for this course (http://us.practicallaw.com/). Register for your free student account prior to the first day of class.

Business Legislation Practicum - Prof. P. Hablutzel
There is no reading for the first day, Tuesday, August 28. We will discuss the current projects of the Institute of Illinois Business Law. We will also discuss whether all the participants would prefer shifting the one-hour weekly meeting to a different day and time.
Business Organizations - Prof. Birdthistle

Children and Divorce (LL.M. class) - Profs. Levin & N. Hablutzel
Please read the Illinois Marriage and Dissolution of Marriage Act before the first class. We will start our discussion there for the first class. The syllabus will be handed out in the first class.

Civil Procedure - Prof. Perritt
Look at the syllabus on the class website [www.kentlaw.edu/perritt/courses/civpro](http://www.kentlaw.edu/perritt/courses/civpro), buy the book, do the reading assigned for the first class, and come to class prepared to address problems using the doctrine(s) revealed by the reading.

Civil Procedure 2 - Prof. Laser

Commercial Law: Secured Transactions – Prof. D. Spak
There are two required books: A reasonably current version of the *Uniform Commercial Code*, and *Understanding Secured Transactions*. For the first class, we will discuss the following problem: A client consults you, saying that he is loaning $500,000 for six months to a Chicago resident who owns a $3,000,000 home, a stock brokerage account worth $7 million, long term certificates of deposit, shares in his corporation, and a valuable antique automobile collection. The borrower has a cash flow problem, leading to the loan. Your client asks that if the borrower defaults on the loan and refuses to pay, how can he collect from the borrower’s assets. Please be prepared to discuss the available judicial procedure, starting with section 2-1402 and Article XII of the Illinois Code of Civil Procedure.

Complex Litigation - Prof. Steinman
For the first class, please read Marcus, Sherman & Erichson, *Complex Litigation* (West 5th ed.), Chapter I, The Nature of Complex Litigation, pp. 1-23; and Chapter II, Joinder in a Unitary Federal Forum, pp. 24-34. I look forward to seeing you at the end of August!

Conflict of Laws - Prof. Rosen
The casebook is the most recent edition of Currie, Kay, Kramer & Roosevelt, *Conflicts of Laws* (which should be the 8th edition), as well as any supplement that may be available (there’s not always a supplement so don’t be concerned if the Bookstore only has the casebook). For the first class, please read pages 2-17 very carefully. A full syllabus will be available on this course’s TWEN site at or near the start of the semester.
Constitutional Law - Prof. Eglit
For the first class, please read the following from the casebook:
pp. 1 - 13 (up to subheading)
pp. 34 (starting with "Congressional Limits" subheading) up to p. 43 (up to Plaut)
pp. 44 (starting with "Notes on Advisory Opinions") up to Massachusetts case, p. 53
pp. 60 (starting with subheading) up to Lujan, p. 62
pp. 66 (starting with "Causation and Redress" subheading) up to Newdow case, at p. 72
pp. 77 (starting with subheading) up to Hein, p. 84

Constitutional Law - Prof. Nahmod
For our first class, please look at the Constitution, especially its structure. Then carefully read
pages 8-42, which includes important excerpts from the Federalist Papers as well as the seminal
decision in Marbury v. Madison (our focus). Our casebook is Constitutional Law (6th ed. 2009),
with 2012 Supplement, by Stone, Seidman, et al.

You should also know that, in addition to these written materials, we will periodically listen to,
and evaluate, important Supreme Court oral arguments available through Chicago-Kent's Oyez
project, located at http://oyez.org. I very much look forward to studying constitutional law with
you.

Constitutional Law - Prof. Stewart
Welcome to Constitutional Law. For our first class, please read Marbury v. Madison, pages 29-51

Copyright Law - Prof. Staudt
The casebook will be Gorman Ginsburg & Reese, Copyright (Foundation Press, 8th ed. 2011) with
its 2012 Case Supplement and Statutory Appendix. For the first class, please read pp. 1-37 in the
main casebook. Pay special attention to the Burrow-Giles case at page 28 and the Bleistein case at
page 34. In addition, please review the Course Information published at
http://www.kentlaw.edu/faculty/rstaudt/classes/copyright_fall2012/index.htm. Review the
Overview of Copyright at pp. 38-49.

Criminal Procedure: The Investigative Process (day section) - Prof. Rudstein
The assignments are to the new edition of my casebook, which should be available mid-August.
Vandeplas Pub.).

For Monday, August 27:  Read pp. 1-10, and be prepared to discuss the Katz test, as articulated
by the majority and by Justice Harlan in his concurring opinion.

Wednesday, August 29: Read pp. 10-30. We will discuss some of the problems I will distribute
during the first class.

Thursday, August 30:  Read pp. 30-55.
Criminal Procedure: The Investigative Process (evening section) - Prof. Godfrey

Disability Law - Prof. Kraus
For the first class, please read pages 1-25 in *Disability Rights Law* (2010) by Sam Bagenstos.

Election Law and Democracy - Prof. Rosen
For the first class, please read pp 1-48 (i.e., up to and including the Harper case).

Employment Discrimination (day section) - Prof. Eglit
A package of materials for the first week will be sent to you by pdf (I will also bring some hard copies to first day of class.) Read the Balla and Jacobson cases (Balla v. Gambro, 584 N.E.2d.104 (Ill. Sup. Ct. 1991); Jacobson v. Knepper & Moga (Ill. Sup. Court 1998)). Do not bother reading the Illinois Human Rights Act, which is simply being provided to you for informational background purposes. Read (but not for the first day of class) the document entitled "Legislative History of Titles VII and XI of Civil Rights Act of 1964."

Employment Discrimination (evening section) - Prof. R. Gonzalez
Please read pages 1-9 of the casebook and read the following cases from Westlaw or Lexis: Summers v. State Farm Insurance Co., 864 F.2d 700 (10th Cir. 1988), and Wallace v. Dunn, 968 F.2d 1174 (11th Cir. 1992).

Energy Law - Prof. Tarlock
For August 28, read Chapter I, Bosselman et al., *Energy, Economics and the Environment*.

Estates and Trusts - Prof. Decatorsmith
Please read the first 38 pages of the assigned casebook, Dukeminier's *Wills, Trusts and Estates* (8th edition) – and be especially prepared to discuss and evaluate appropriate governmental limitations on donative freedom.

Evidence (day section) – Judge Erickson
For the first class, please read Lempert, *A Modern Approach to Evidence*, Chapter 1, pp.1-14; Chapter 2, pp.132-147; and Chapter 3, Section 1, pp. 210-235.

Evidence and the Art of Advocacy – Judge Erickson
For the first class, please read Lempert, *A Modern Approach to Evidence*, Chapter 1, pp.1-14; Chapter 2, pp.132-147; and Chapter 3, Section 1, pp. 210-235. In addition, at the first Trial Advocacy class, a problem will be passed out to the sections.

Evidence (evening section) - Prof. R. Kling
Read pp. 1-44 in the text; and FRE and IRE 101,102, 103,104, and 106. In addition to the text available in the Bookstore, you MUST also have a copy of the former Justice Gino DiVito's *Color*

**Federal Courts** - Prof. Stewart

**Federal Transfer Taxes** - Prof. Park
For the first class, please read Chapters 1-3 of *Taxation of Estates, Gifts and Trusts* by Campfield, Dickinson & Turnier.

**First Amendment** - Prof. Heyman
In this class, we will be using a set of photocopied Course Materials together with my book *Free Speech and Human Dignity*. Both texts are available in the Bookstore. For our first class on Wednesday, August 29, please read the problem on funeral picketing and the First Amendment on p. 13 of the Course Materials.

**Genetics and the Law** – Prof. Andrews
Welcome to Genetics and the Law! The casebook for the course is *Genetics: Ethics, Law and Policy* by Lori Andrews, Maxwell Mehlman, Mark Rothstein (West, 3d ed. 2010). For the first class, read pp. 2-14 in the casebook. In addition, over the summer, find an article in a newspaper or magazine about a new development in genetics. Then write a paragraph about the development (with a citation to the article) and write an additional speculative paragraph (no research necessary) about the potential legal impact of that development.

**Harassment in Employment Law** - Prof. Strubbe

**Illinois Civil Procedure** - Judge Preston

**Intellectual Property and Technology Licensing** - Profs. Drutchas and Gattari
For the first class, please read the first two chapters of our course text, Port et al., *Licensing of Intellectual Property in the Information Age* (2d ed. 2006). Chapter 1 is a brief introduction to I.P. licensing. Chapter 2 is either a refresher on I.P. (in which case you can skim it), or a jump start for those of you who do not yet have a background in I.P. This should give you enough of a foundation in I.P. to build some licensing skills in the course.

**International Business Transactions** - Prof. Hannay
Our first class will provide an introduction to the law of international business transactions. Our textbook will be Fellmeth, *The Law of International Business Transactions* (2nd ed.). The first class on Tuesday, August 28, will cover Chapter 1, pp. 1-24.
**International Commercial Arbitration - Prof. P. Hablutzel**

For the first class on Monday, August 27: Read and prepare at least pages 1-17 in the new Varady, Barcelo & von Mehren casebook. NOTE: This is the Fifth Edition, 2012. Also read the U. N. Convention on the Recognition and Enforcement of Arbitral Awards (the New York Convention of 1958, pages 1-12 of the Documentary Supplement to the Fifth Edition of the casebook). The casebook reading discusses two sets of rules, so you should look at them briefly in the back part of the Documentary Supplement:

1. Vienna Conciliation Rules, pages 439-440
2. Swiss Rules, pages 440-455

For the second class on Wednesday, August 29: Read pages 17-30. Be prepared to discuss the case of Frydman v. Cosmair (pp. 18-22) and the questions on pages 22-23.

Copies of the Course Syllabus will be available sometime during the week before classes begin, on the desk of the Administrative Assistant just outside Faculty Office 825. Copies will also be available in class.

**International Law (evening section) - Prof. Cho**

Today is high time that we studied and even agonized over international law. This survey course will address various issues, aspects and implications of international law and institutions ranging from the Iraqi War to the World Trade Organization. The textbook (TB) for the course is Dunoff, Ratner & Wippman, *International Law: Norms, Actors, Process* (3rd ed., 2010). You can purchase the textbook at the school Bookstore. The course syllabus will be distributed in the first session.

For the first class, read TB pp. 1-33 (History and Evolution of International Law). Come to the class with your own definition (or perception) of international law. What is it? (Or what should it be?) Is it really “law” (or something else)? Is it really effective? What is the value of discussing, studying and even respecting it? Please email me (scho1@kentlaw.iit.edu) if you have any questions. I look forward to meeting and working with each of you during the semester.

**International Trade - Prof. Cho**

Welcome to International Trade! Given the glaring trend of globalization, it is high time that we studied international trade law. This course will address basic laws and institutions of the World Trade Organization (WTO) that pertain to international trade law. The teaching materials can be downloaded at [http://centers.law.nyu.edu/jeanmonnet/courses/wto/materials.html](http://centers.law.nyu.edu/jeanmonnet/courses/wto/materials.html) free of charge. The course syllabus will be distributed in the first session.

For the first class discussion, visit nearby supermarkets or any other stores and see how many basic goods such as food, clothing, and electronics are now produced and manufactured in the U.S. (Locate the mark of origin in each product.) Then, prepare for the following questions: Why on earth do we need international trade? Why do we need international trade law? Why are so many people against free trade and the WTO? Of course, you may also want to read some recent newspaper articles on trade and its effects on the world as well as on the American people. (For example, Is Trade the Problem?, N.Y. Times, Apr. 27, 2008,

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http://www.nytimes.com/2008/04/27/opinion/27sun1.html) Please email me (scho1@kentlaw.iit.edu) if you have any questions. I look forward to meeting and working with each of you during the semester.

**Intimate Partner Violence - Prof. Paziotopoulos**

The text for the course is *Domestic Violence: Law, Policy, and Practice*, by Hon. Diane Kiesel. Students may buy the book new, or buy a used text or share a text with classmates.

**Investment Funds - Prof. Birdthistle**

This class does not have a casebook; the syllabus will assign readings from publicly available sources. For the first class, please read the Seventh Circuit’s panel decision in Jones v. Harris Associates, L.P., 527 F.3d 627 (7th Cir. 2008), by Chief Judge Frank Easterbrook; and the dissent from denial of rehearing en banc in the same case, 537 F.3d 728 (7th Cir. 2008), by Judge Richard Posner.

**Jurisprudence - Prof. Samar**

Welcome to Jurisprudence, which I am treating here as the study of the Philosophy of Law. In this course we will consider a number of broad theoretical questions along with some proposed answers. The topics we will focus most on include: what law is; what is its relation to morality if any; what is the interpretative function of courts; is that function constrained by language, history, or tradition; how does integrity constrain what courts decide; from whence does the duty to obey law come; are there human rights principles that the duty must conform to; are such principles manifested in our ideas of liberty, privacy and freedom of expression; need we respond to terrorism by changing our values; what is distributive justice as compared with corrective or retributive justice; are distributive justice questions implicated by affirmative action, gender, and sexual orientation decisions; are distributive as well as corrective justice questions manifested in tort and contract law; what is property and how might ownership of intellectual property be justified; what is the relationship of causation to responsibility; how are states of mind implicated in responsibility decisions; what is punishment; is the death penalty justified. Please read for the first day of class the following material in the text: Aquinas, pp. 8-13; Murphy, pp. 17-36; Austin pp. 55-68; Hart, pp. 68-74; Raz, pp. 101-16.

**Labor Law (day and evening sections) - Prof. Malin**


Your client is a trucking company which transports new cars from factories in and around Detroit, Michigan to new car dealers across the country. Your client has been party to a contract with other new car transport companies and the International Brotherhood of Teamsters, Local 299. The contract has a provision prohibiting strikes during its term.

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The contract was about to expire. Negotiations were progressing but a new agreement had not been reached. Your client and the other trucking companies agreed with the union to extend the old contract, including its no strike clause, and to make any increases in wages and benefits that might ultimately be agreed to in a new contract retroactive to the date the old contract was scheduled to expire. Eventually, the parties agreed on a new contract. However, the Local 299 membership rejected it in a ratification vote.

Your client and the union leadership returned to the bargaining table. They again agreed to extend the old contract and to make increases in wages and benefits that might ultimately be agreed to in a new contract retroactive. When this agreement was announced, the members of Local 299, against the directives of the local's leadership, struck your client and the other trucking companies. Their picket signs complain of sweetheart deals between the Local’s officials and the employers, corrupt Local officials, failure to prosecute grievances vigorously, and a general lack of leadership. Your client's entire operation has been shut down, as have the operations of the other new car transport companies. The auto manufacturers' inventory is piling up and they have threatened to move as much of the work as possible to the railroads. What advice can you give your client regarding its legal options?

**Legal Rights of Children** - Prof. N. Hablutzel


The class syllabus will be ready August 20, and you may email the instructor at NancyZH@aol.com if you want it sent to you via email. Otherwise, it will be handed out in the first class.

**Legal Writing 3** - Prof. Abrams

The initial assignment is Espenschied, Contract Drafting: Powerful Prose in Transactional Practice, pp. 1-39.

**Legal Writing 3** - Prof. G. Morris

For the first week of class: Monday, August 27, no reading. For Wednesday August 29, please read Krieger & Neumann, Chapters 1-5.

**Legal Writing 4 for International LL.M. Students** - Prof. Keller

We'll use two books in this class. One is the main text, *The International Lawyer's Guide to Legal Analysis and Communication in the United States*, by McGregor and Adams (Aspen 2008). The other is quite short, *Plain English for Lawyers*, by Wydick (the 5th edition). For our first class, please read chapters 1-3 in the McGregor and Adams text. (You do not need to do the exercises.) Please also read chapter 1 in the Wydick book.

**Legal Writing Seminar for IIP LL.M.** - Prof. Lee

For the first class, please read Parts I, II, III (subpart B only), V, and VI of the following article: Edward Lee, Measuring TRIPS Compliance and Defiance: The WTO Compliance Scorecard,
18 J. Intell. Prop. L. 401 (2011). Copies of the article will be emailed to you if you signed up for the class. In addition, hard copies can be picked up outside Prof. Lee’s office, Room 729.

**Legislation: Process and Interpretation – Prof. Marder**

**Mergers and Acquisitions - Profs. Patt & Handelsman**

**Negotiations (4:00 section) - Prof. C. Davis**
For the first class, please read Chapters 1 and 12 in the Gifford text.

**Negotiations (evening section) - Prof. Schoenfield**
You may purchase either the Course Materials available in the Bookstore, or the published text (the Course Materials are less expensive). For the first class, please read chapters 1-3 of the Course Materials. For those students who prefer to use the published text, *Legal Negotiations: Getting Maximum Results*, instead of the Course Materials, they should read chapters 1, 2, 12 and section 3.02.

**Patent Law (evening section) - Prof. Hulbert**
Please think about the following issue: Under what circumstances, if any, are a society’s best interests served by granting a single entity exclusive rights to an invention? Please also read the following pages in the Fifth Edition of the Merges casebook: 1-26 (skim 17-23), 53-54 and 58-66.

**Patents, Development and Genetic Resources - Prof. Madrid**
This intensive course will meet the week of August 20 (see the course schedule for details). Information about readings will be emailed to all enrolled students prior to the start of the class.

**Personal Income Tax (day and evening sections) - Prof. Chapman**

**Professional Responsibility (day section) - Prof. Muchman**
*Please note*: Prof. Gross is unable to teach this Fall, and Prof. Wendy Muchman has agreed to take over the day section of the class. The class will now meet once a week, Wednesdays 1:55-3:45. Prof. Muchman will be using a different text from the one selected by Prof. Gross. If you have already purchased Prof. Gross’s text, please return it (you will receive a full refund) and purchase Prof. Muchman’s instead (see below).

Main text: Lerman & Schrag, *Ethical Problems in the Practice of Law* (Aspen, 3d ed.).

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For the first class, please read Connick v. Thompson, a March 2011 U.S. Supreme Court decision available online at [http://www.supremecourt.gov/opinions/10pdf/09-571.pdf](http://www.supremecourt.gov/opinions/10pdf/09-571.pdf). In addition, find a newspaper article, movie, TV show, novel, or other source that raises an issue concerning the professional responsibility of lawyers. You do not need to bring anything with you, but be prepared to explain and discuss the ethical issue you have identified.

**Professional Responsibility (evening section) - Prof. Kling**

*Please note:* Prof. Gross is unable to teach this Fall, and Prof. Richard Kling has agreed to take over the evening section of the class. Prof. Kling will be using a different text from the one selected by Prof. Gross. If you have already purchased Prof. Gross’s text, please return it (you will receive a full refund) and purchase Prof. Kling’s instead (see below).


For the first class, please peruse pages 1-18 in the text; read pages 20-57; and be prepared on the problems (1, 2, 3).

**Remedies - Prof. S. Harris**

For the first week of classes, please read the pages listed below, in Douglas Laycock, *Modern American Remedies* (concise 4th ed. 2012). Course information and more assignments will be posted on TWEN shortly before the start of the semester.

For Wednesday: pp. 16-27
For Thursday: pp. 28-41

**Sales and Exchanges - Prof. Pryor**

The initial reading assignment is pages 1-24 of the course materials.

**Securities Regulation - Prof. P. Hablutzel**

For the first class on Monday, August 27: For the first class, we will cover a lot of general, introductory materials. It would be useful for students to have skimmed over Chapter One in the new casebook, by Coffee and Sale, 12th Edition, 2012, pages 1-73. Read as much as you can absorb now; we will return to this material several times during the semester.

For the second class on Wednesday, August 29: Read over the Introduction to Part II of the casebook, pages 75-95. We will return to this material later, especially at the start of Chapter 10. Also read the introduction to Chapter 2, pages 96-98. We will spend a LOT of time on a close reading of Section 5 of the Securities Act of 1933 in the paperback "statutes booklet." Section 5 is the key to the first half of the course. At the beginning of the course, we will skip over Chapters Two and Three, and go directly to Chapter Four, beginning on page 246.

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Sometime during the week before classes begin, copies of the Course Syllabus will be available on
the Administrative Assistant's Desk outside Faculty Office 825. Copies will also be available in
class.

**Tax Policy - Prof. Brody**
We will discuss the Supreme Court’s decision upholding the health-insurance “Individual
Mandate,” in NFIB v. Sibelius, 567 U.S. __ (June 28, 2012), available at:
http://www.supremecourt.gov/opinions/11pdf/11-393c3a2.pdf. (Focus on the Taxing Power
discussion in the opinions, and just skim the Commerce Clause and Medicaid issues.) The course
Syllabus (which will be available from the Bookstore and on our course web page when ready)
contains further information about the first class.

**Trademarks and Unfair Competition - Prof. Piatt**
The casebook for the class is Dinwoodie & Janis, *Trademarks and Unfair Competition Law and
Policy* (3d ed.) and the Supplement. The Supplement is not required, but you may find it useful,
particularly for the compiled statutes. For the first class, please read Chapter One and Chapter
Two, pp. 43-54. There will be a written assignment given on the first day of class that will be due
on Thursday, August 30.

**Water Resources Law - Prof. Tarlock**
For the first class, prepare Tarlock et al., *Water Resource Management*, pp. 1- 33, 60- 67, 112-
125, 84- 94.

**Workers Compensation - Prof. Garcia**
The casebook is Larson, *Workers Compensation Law* (4th ed.) (The text also comes in a loose-leaf
version at a lower cost.) For the first class, please read pp. 3-24, 624-634, 651-661, but skip the
case starting at p. 634; and read 665-676, but skip the case starting at p. 671.