

**INITIAL READING ASSIGNMENTS**  
**UPPER-LEVEL COURSES**  
**FALL 2004**

**August 12, 2004 (revised)**

**Access to Justice and Technology Seminar** - Prof. Staudt

Please review the course website at:

<http://www.kentlaw.edu/classes/rstaudt/access2justice2004seminar/index.htm>

Read the course information and read the assignment specified for the first class.

**Advanced Evidence Seminar** - Prof. W. Wolfson

1. We will be working from *Trial Evidence*, Mauet & Wolfson (2d ed., the text and the problems disc at the back of the book, and the Materials packet I have compiled (available in the Bookstore).

2. Please read pages 1-26 in *Trial Evidence*.

3. Please read and consider pages 1-20 in the Materials packet and problem #5.7.

Do not do any research beyond the assignments I have given you. That is, confine your reading to the book, the disc, and the packet. Consider the arguments you would make for and against admissibility of the fact that Sherrod had no gun (#5.7) and for and against Old Chief's request that the prosecution not tell the jury the name and nature of the prior offense (pp. 15-16). In addition, consider the offers of evidence in the McVeigh case (pp. 17-18). What rules of evidence are implicated in these scenarios? What is the most effective argument to a trial judge?

My goal is to give you a principled and working understanding of the rules of evidence. Our class discussions will be aimed at achieving that goal. Your final paper will represent 85% of your grade; class participation and attendance will cover 15%.

Please call me (312/793-5408) if you have any questions. I look forward to seeing you in class.

**American Legal History** – Prof. Hamilton

For the first day of class, please read the Introduction in Lawrence M. Friedman's *American Law in the 20<sup>th</sup> Century*. A syllabus will be distributed at the first class meeting.

**Civil Procedure** - Prof. Perritt

Please read the course outline at <http://www.kentlaw.edu/perritt/courses/civpro>, and complete the first assignment as indicated.

**Civil Procedure 2** - Prof. Laser

For Monday, August 23, 2004 read Marcus, Redish & Sherman, *Civil Procedure: A Modern Approach* (3rd ed. 2000); Chapter VII, Judicial Supervision of Pretrial and Promotion of Settlement, Section A, Pretrial Conference, pp. 444-462; for Wednesday, August 25, read

Section B, Settlement Devices Using Intervention By Third Parties, pp 462-479, and for Monday, August 30, read Section C, Incentives to Settle Through Shifting of Attorney's Fees and Costs, pp. 479-496. Also read the Federal Rules mentioned in the assigned materials in *Federal Rules of Civil Procedure* (2004-2005 Educational Ed.).

**Civil RICO** - Prof. Foster

The first assignment is to read the RICO statute and the Seventh Circuit case, *Fitzgerald v. Chrysler*.

**Commercial Law: Payment Systems** - Prof. D. Spak

The first class will discuss money as a payment system and then introduce negotiable instruments. For the first class, please read Chapter 1 in the casebook, *Payment Systems* (2d ed.), by Rusch. For the second class, please start Chapter 2, and familiarize yourself with UCC Article 1 and UCC Article 3, Part 1. Be aware of the statutory definitions.

**Complex Litigation** - Prof. Steinman

For the first class, please read Marcus & Sherman, *Complex Litigation* (West 4th ed.), Chapter I, The Nature of Complex Litigation, pp. 1-23; and Chapter II, Joinder and Structure of Suit in a Unitary Federal Forum, pp. 24-34.

**Conflict of Laws** – Prof. S. Greenberg

Please see the following web page for the first week's assignments:

[http://www.kentlaw.edu/classes/sgreenbe/Conflicts/week1\\_fall04.htm](http://www.kentlaw.edu/classes/sgreenbe/Conflicts/week1_fall04.htm)

Also, I expect to have an online version of the course syllabus posted before the first week of classes.

**Constitutional Law** - Prof. Eglit

Skim the Constitution; read pp. 1-40, 50-81 in the casebook.

**Constitutional Law** – Prof. M. Rosen

We will be using Charles A. Shanor, *American Constitutional Law: Structure and Reconstruction*, the 2004 Supplement, and a short set of handouts. For the first class, please read Handout 1 and pp. 12-26 *very carefully*. Please be prepared to field questions.

**Consumer Health Benefits** - Prof. Kraus

The readings for the course will come from three sources: (1) a textbook available free of charge through Westlaw entitled *The Law and American Healthcare*, by Kenneth Wing and Michael Jacobs; (2) handouts given to you in class or available for pick up in my office in the Law Offices (6th floor); and (3) recent court decisions.

For the first day of class, please read Chapter 1, pp. 1 - 77, in the text book. To access the text book you need to do the following:

1. Log in to your Westlaw TWEN page (you can do thus from within Westlaw after you log in or you can log in by going to <http://lawschool.westlaw.com>, clicking the TWEN tab, and signing on

from that page.

2. Once you are at your TWEN page, you will see a button on the right side, towards the top. It says "drop/add a course." Click on that.
3. One of the sections of courses you can add is titled National Courses. One of these is the Wing textbook (Health Law Casebook - Ken Wing (Full Year 2003-2004)). Check the box by that selection.
4. Click on the "submit" button at the bottom of the page (in the center -- you may need to scroll down).
5. The textbook is now added to your TWEN courses.

To use the textbook:

1. Click on the link as you would any TWEN course.
2. Click on the box that says American Health Care Law.
3. This opens up a page with a link to the textbook. Click on the icon under "download."
4. The textbook will now be displayed as a PDF file.

**Copyright Law** – Prof. Staudt

Please review the course website at [http://www.kentlaw.edu/classes/rstaudt/copyright\\_fall2004](http://www.kentlaw.edu/classes/rstaudt/copyright_fall2004). Read the course information and read the assignment specified for the first class.

**Criminal Procedure: The Investigatory Process (day section)** - Prof. Rudstein

For the first class, please read *Katz v. United States* in the photocopied casebook. For the second class, please read *United States v. White*, *Smith v. Maryland*, *United States v. Knotts*, Note (*United States v. Karo*), *California v. Ciraolo*, *Oliver v. United States*, Note (*United States v. Dunn*, *Dow Chemical Co. v. United States*, and *United States v. Place*), *Kyllo v. United States*, and Note (*United States v. Jacobsen* and *Illinois v. Andreas*). On the first day of class I will distribute a set of problems that we will discuss throughout the semester.

**Criminal Procedure: The Investigatory Process (evening section)** - Prof. Thomas

The casebook for the course is Kamisar, LaFave, Israel & King, *Modern Criminal Procedure* (West 10th ed. 2002) and Supplement (August 2004). For the first class, read pp. 12-33, 30-35, and 439-454 in the casebook. You can skim the first two sections (12-33, 30-35), but you will need to be familiar with that information.

**Employment Relationships (day section)** - Prof. Shapiro

Please read pp. 2-4, 62-64, 17-24 in the Rothstein & Liebman casebook.

**Environmental Law & Policy 1** - Prof. Bosselman

Please read pp. 153-168 of Glicksman et al., *Environmental Protection: Law and Policy* (4th ed). Be sure you have the 4th edition because much of the material we will be covering later in the semester is only in the 4th (latest) edition.

**Estates and Trusts** - Prof. Decatorsmith

The casebook for the course is *Wills, Trusts, and Estates*, by Dukeminier and Johanson (Aspen Law). For the first class, please read Chapter 1, pp. 1-23, and be especially prepared to discuss the meaning of, and the possible policy reasons underlying, the doctrine of donative freedom, as well as your opinions regarding what might constitute appropriate governmental limitations thereon.

**Estates and Trusts** - Prof. Sherman

(1) Read in Dukeminier & Johanson, *Wills, Trusts, and Estates* (6th ed. 2000): pp. 34-38 and 86-96 (up to but not including "Problems"). (2) Read section 2-1 of the Illinois Probate Act: 755 ILCS 5/2-1.

**Evidence (day section)** - Prof. Godfrey

Please read pp. 1-90 of *Evidence: Text, Cases and Problems*, by Allen et al. This reading is a transcript of an actual trial. I think you will find it quite interesting. We will spend the first day of class on pp. 1-45, the People's case. Ask lots of questions while you read. Can you follow the judge's instructions? Which party presents a clear theory of the case that is persuasive and understandable? Which attorney is effective and why? Do you feel there is a lot of drama going on in the trial that is not captured by the transcript? I very much look forward to discussing this material with you.

**Evidence (evening section)** - Prof. Kling

For the first class, please read pp. 1-42 (including the problems) in Friedland, Bergman & Taslitz, *Evidence Law and Practice* (2d ed.).

**Family Law** - Prof. Baker

Please read *Willey v. Springs*, the first case in the Supplementary Materials.

**Federal Transfer Taxes (LL.M. course)**- Prof. Campbell

Please read Chapters 1 - 4 of the textbook, *Taxation of Estates, Gifts and Trusts*.

**First Amendment Course** - Prof. Nahmod

Our casebook is the Stone, Seidman paperback, *The First Amendment* (2d ed. 2003). For our first class, please carefully read through page 29. After I describe what we'll cover in this course (my favorite), we'll focus on the three (?) mainstream theories of the First Amendment and then get into the early cases on advocacy of illegal conduct. We hit the ground running. Enjoy the rest of your summer. If there is anything I can do for you before class, please feel free to email me at snahmod@kentlaw.edu or call at 312/906-5261. **P.S:** If you already have the Stone, Seidman Constitutional Law casebook with either the 2003 or 2004 Supplement, you will not need to buy the Stone, Seidman paperback, since the First Amendment materials are contained in the

casebook (although with different pagination).

**Hot Topics in Business/Corporate Law Seminar** - Prof. Hill

Read 5 articles from the page set forth below. One article must be from the Enron section; one must be from the Adelphia section; and at least 2 must be from the Other Articles section. Come prepared to discuss the articles.

<http://www.washingtonpost.com/wp-dyn/business/specials/corporateethics/>

**Immigration Law and Policy** - Prof. Adams

Before the first class, please read pp. 1-19 in Aleinikoff, et al., *Immigration and Citizenship: Process & Policy* (West 5th ed.). What does it mean to be a citizen, and how does one acquire that status? I look forward to meeting with you!

**Intellectual Property in the High Tech Era** - Prof. Piatt

The casebook for the class is *Intellectual Property in the New Technological Age* (Aspen 3d ed.). I have already e-mailed the syllabus to those officially enrolled in the class (if you have not received a copy, please contact me at [mvpiatt@kentlaw.edu](mailto:mvpiatt@kentlaw.edu)). The first class is 9:00-3:00 on **Saturday, 7 August** in Room 305. Because of the intensive nature of the class and the density of the first few reading assignments, I recommend that everyone read pp. 1-274 plus pp. 855-870 and 932-972 before the first class. This is the reading through the following Tuesday's class and should help to keep everyone current.

**International Commercial Arbitration** - Prof. P. Hablutzel

The casebook is the SECOND EDITION (2002) of *International Commercial Arbitration* by Varady, et al. (West), together with its Documentary Supplement (also Second Edition, 2002). For the first class on Monday, August 23, please read and prepare at least to page 23, including the questions (pp. 17-18), and the case of Frydman v. Cosmair (pp. 18-23). In the Documentary Supplement, read and consider the three sets of Rules: (1) the Vienna Rules (pp. 283-284); (2) the Zurich Rules (pp. 184-288); and (3) the ICC Technical Expertise (pp. 279-283).

**International Intellectual Property** – Prof. Dinwoodie

Assigned reading will be from Dinwoodie, Hennessey & Perlmutter, *International Intellectual Property Law and Policy* (LexisNexis 2001). Some reading will also be assigned from photocopied supplementary hand-out materials, and these will be available in the Bookstore very soon. I expect to assign an average of approximately 30 pages for each class. We will refer at various parts of the course to a variety of treaties, international agreements, and national or regional legislation. You should therefore purchase Dinwoodie, Hennessey & Perlmutter, *International Intellectual Property Law and Policy: Documentary Supplement*, also published by LexisNexis in 2001; you should bring the documentary supplement with you to class.

For the first class, please read pp. 1-34 of the casebook. For the second class, please read pages 35-66 of the casebook and page 1 of supplementary materials.

**Labor Law (day section)** - Prof. McCormick

The text for the course is Cox, Bok, Gorman & Finkin, *Labor Law: Cases and Materials* (Foundation Press, 13th ed.). For the first class, please read pp. 1-16, 31-72. Consider problem 1 on page 71. Also consider the following problem:

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 terms.

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 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?

**Labor Law (evening section)** - Prof. Malin

The text for the course is Cox, Bok, Gorman & Finkin, *Labor Law: Cases and Materials* (Foundation Press, 13th ed.). For the first class, please read pp. 1-16, 31-72. Consider problem 1 on page 71. Also consider the following problem:

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

Please read the Illinois Abused and Neglected Child Reporting Act (ANCRA) and be prepared for a discussion of it. Also, please be prepared to begin discussing topics for your papers and presentations. Read also the first chapter of the casebook, *Children and the Law*, by Abrams & Ramsey. This is a very long chapter, so don't leave it until the last minute. It will take us more than one week to discuss it. The syllabus will be available at no charge in the Bookstore one week before classes begin. You may also receive a copy by e-mail from me; my e-mail address is NancyZH@aol.com.

**Legal Writing 3 (All Section)**

The first assignment is to read pp. 3-38 in Krieger & Neumann, *Essential Lawyering Skills*.

**Legal Writing 4: International Business** - Prof. Strzynski

Read the first two chapters in the course materials, which are available in the Bookstore.

**Legal Writing 4: International LL.M Progra** - Prof. Adams

Before our first class, please read pages 18-29 in Nedzel, *Legal Reasoning, Research, and Writing for International Students*. The book is available in the Chicago-Kent Bookstore (in the graduate books section). I look forward to meeting you!

**NAFTA Investment Arbitration (Intensive Seminar)** - Prof. Weiler

Students enrolled in this intensive seminar were sent an e-mail message concerning the initial assignment and other details about the course. If you are enrolled for the course and did not receive this e-mail, please contact Dean Sowle at ssowle@kentlaw.edu.

**Negotiations** - Prof. Schoenfield

Read Chapters 1 and 12 in the casebook, available in the Bookstore.

**Patent Law (day section)** - Prof. Holbrook

For the first class, please read: (1) 35 U.S.C. § 154(a) in the statutory supplement (under the Patent Act); (2) pp. 3-8; 26-39; and 40-47 of the Adelman text. Be prepared to discuss what rights are afforded under a patent, why as a matter of policy we have a patent system, and how patents differ from other forms of intellectual property (such as copyrights, trademarks, and trade secrets). The syllabus is contained in your supplemental materials and is available on-line at

<http://www.kentlaw.edu/classes/tholbroo/patent>.

**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 Second Edition of the Adelman casebook: 1-13, 18-26, and 40-43.

**Personal Income Tax** - Prof. Brody.

The syllabus for the course is the first document in the photocopied materials available from the Bookstore. As indicated in the syllabus, each class is numbered and we meet three times a week, so for the first week please prepare the first three assignments.

**Pretrial Litigation (both sections)** - Profs. Gonzalez, Leader, and Kraus

For the first class, please read Chapter One of Heydock text.

**Professional Responsibility (both day and evening sections)** - Prof. Gross

Course Material: Sutton & Dzienkowski, *Cases and Materials on the Professional Responsibility of Lawyers* (2d ed. 2002); Dzienkowski, *Professional Responsibility Standards, Rules & Statutes* (2004-2005 Abridged Edition).

For the first class, please read the following:

Text:

Chapter I. Introduction: The Legal Profession

- A. The Nature of the Legal Profession, p. 2-7
- B. The Nature of Lawyer's Work, p. 7-14
- C. Professional Regulation and Professionalism, p. 14-21
- D. Role of the Bar Associations, p. 22-28

Supplement:

- A. Preamble: 2004 ABA Model Rules, pp. 4-7
- B. Preamble and Preliminary Statement of ABA Code of Professional Responsibility, pp. 495-498

**Religion and the Constitution Seminar** - Prof. Nahmod

Our casebook is McConnell, Garvey & Berg, *Religion and the Constitution*. For our first class, please carefully read Chapter I, pages 1-20. After I describe what we'll cover in this fascinating and always-timely seminar, we'll focus on the materials assigned. Enjoy the rest of your summer. If there is anything I can do for you before class, please feel free to email me at snahmod@kentlaw.edu or call at 312/906-5261.

**Religion and the Law** - Prof. P. Hablutzel

For the first class on Monday, August 23, read all of Chapter One (pp. 2-35) in the Noonan & Gaffney casebook.

**Remedies (both day and evening sections)** - Prof. Eglit

Read pp. 1-68 in the coursebook.

### **Securities Regulation** – Prof. P. Hablutzel

The casebook is *Securities Regulation: Cases and Materials* (9th ed. 2003) by Coffee & Seligman. The thick, paperback “statutes book” is *Federal Securities Laws: Selected Statutes, Rules and Forms* (2004) (light blue cover).

During the FIRST CLASS (Monday, August 23), we will cover a lot of general, introductory materials. It would be useful for students to have skimmed over Chapter 1 (pp. 1-100) on the Overview of Capital Markets. Read as much as you can absorb now; we will return to this material several times during the semester.

For the SECOND CLASS (Tuesday, August 24), read carefully Section 5 of the 1933 Securities Act (page 10 of the “statutes book”) and prepare the material in Chapter 2, pp. 101-103 and 107-123. Note that we SKIP the LONG problem, pp. 103-107.

Section 5 is the key to the entire first half of the course: try not to miss this second class.

### **Trademarks & Unfair Competition** - Prof. Holbrook

Please read pp. 1-27 of the text. Skim pp. 30-43. Be prepared to discuss why we have trademark rights, what purpose they serve in the marketplace, and whether this purpose has changed over time.

### **Trial Advocacy 1** - Prof. Domas

In *Materials in Trial Advocacy: Problems and Cases* (Mauet & Wolfson, 5th ed.), read problem 3.1, Conversations; problem 4.8, Photo Exhibit; and problem 4.1, Gun Exhibit. Also review the related sections in *Trial Techniques* (Mauet, 6th ed.). Additionally, read Chapter One, The Trial Process, and Chapter Two, The Psychology of Persuasion, in the *Trial Techniques* book. Please e-mail me with any questions (gadomas@cookcountygov.com).

### **Trial Advocacy 1** - Prof. Ljubica Popovic

For the first class:

*Fundamentals of Trial Techniques* by Mauet (6th ed.), Chapters 5 & 7

Direct/Cross Examination

Also, review evidence objections.

### **Trial Advocacy 1** - Prof. Laretta Wolfson

1. Please prepare for our first class session as follows:
  - a. Obtain a copy of the latest edition of *Fundamentals of Trial Techniques* by Mauet.
  - b. Obtain a copy of the latest edition of *Materials in Trial Advocacy* by Mauet & Wolfson.
  - c. Review and be ready to execute problems 3.1, 4.8, and 4.1 in *Materials in Trial Advocacy*.
  - d. Read Rule 3.3(a)(10) of the Illinois Supreme Court Rules of Professional Responsibility.
2. Evidence is a prerequisite for this course. For students who have not mastered the Federal Rules of Evidence, I recommend the paperback book *Trial Evidence* (2d ed.) by Mauet &

Wolfson.

3. Our class will meet promptly at 6:00 p.m. on Tuesdays in Courtroom 2501, Daley Center. *Attendance is required each week.* Matters covered in class cannot be repeated.
4. Grades for the course will be determined by three factors of equal weight: class participation (including attendance), the mid-term trial, and the final trial.

**Workers' Compensation** - Prof. Eagle

The assignment for the first week of class is to read pp. 3-28 and 741-769 in Larson's *Workers' Compensation Law* (3d ed.).