

INITIAL READING ASSIGNMENTS – FALL 2005
UPPER-LEVEL COURSES

Revised: August 18, 2005

Listed below are the initial reading assignments we have received to date. Not all professors submit initial assignments, so do not be concerned if there is no listing for one or more of your Fall courses. We will update this list with additional assignments as we receive them.

New assignments added 8/9/05:

Graduate Seminar in International Intellectual Property Law (Prof. Dinwoodie)
International Intellectual Property (Prof. Dinwoodie)
Trademarks and Unfair Competition (Prof. Dinwoodie)

New assignments added 8/12/05:

Constitutional Law (Prof. Eglit)
Employment Discrimination (Prof. Eglit)
Personal Income Tax (Prof. Chapman)

New assignment added 8/18/05:

Health Care Law (Prof. Lebow)

Advanced Evidence Seminar - Justice W. Wolfson

We will be using the text and problems disc in *Trial Evidence*, Mauet & Wolfson (3d ed.), along with a materials packet I have compiled (available in the Bookstore).

For our first class, please read chapters 1 and 2 in *Trial Evidence*, pp. 1-18 in the materials packet, and problems 5.7 and 5.39 on the disc.

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 (5.39). Consider: what rules of evidence are implicated in the scenarios contained in the materials? 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 that are most important in a typical trial. We will take a critical look at the rules. 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.

Advanced Issues in Patent Law Seminar - Prof. Osenga

For the first class, please read pp. 1-12 in *Foundations of Intellectual Property* and Schacht & Thomas, *CRS Report for Congress, Patent Reform: Innovation Issues*.

You can obtain the Schacht & Thomas paper either from the July 19 posting on the Patently Obvious Website (patentlaw.typepad.com/patent) or from the TWEN site I have set up for this

class. (For TWEN, log in to <http://lawschool.westlaw.com>; click the TWEN tab and sign in. Once on the TWEN site, click the link that says "drop/add course," and add "Advanced Issues in Patent Law." The password is Osenga.) The paper is available under Course Materials.

As you read the materials, consider who are the different players in the patent system, what is each one hoping to gain by interacting with the system, how does the law currently promote innovation, and how do the proposed patent law reforms change that.

American Legal History – Prof. Hamilton

Please pick up the reading packet available from Prof. Hamilton's assistant, Ms. Rosamaria Mustari, outside Rm. 769. A syllabus will be distributed at the first class meeting.

Civil Procedure - Prof. Perritt

Look at the syllabus on the course web page, <http://www.kentlaw.edu/perritt/courses/civpro>, and follow the instructions for the first day's assignment.

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.

Constitutional Law – Prof. Eglit

Skim the Constitution; then read in the casebook the following: pages 1-11, 24-32, 34-43 (starting with "Notes on Advisory Opinions" on pg. 34, and up to *Lujan*), 48-50 (starting with "Causation and Redressability" on pg. 48, and up to "The Prohibition of Third Party Standing").

Constitutional Law – Prof. Heyman

We will be using Brest, Levinson, Balkin & Amar, *Processes of Constitutional Decisionmaking* (Aspen, 4th ed. 2000), together with its 2005 Supplement and a photocopied set of Additional Materials. All of these texts are available in the Bookstore. For our first class on Monday, August 22, please read the materials on capital punishment on pp. 7-30 of the Additional Materials, and consider the questions at the end.

Constitutional Law - Prof. Nahmod

For our first class meeting, please carefully read and be prepared to discuss pp. 1-42 in the Stone Seidman casebook (5th ed.). Please focus first on the different theories of government and the Federalist Papers and then on *Marbury v. Madison* (the latter will surely spill over into the next class). I look forward to learning Constitutional Law with you.

Construction Law - Prof. Stein

The casebook for the course is Sweet & Schneier, *Legal Aspects of Architecture, Engineering and the Construction Process* (7th ed. 2004). For the first class, read Chapter 8 and pp. 339-352.

Consumer Health Benefits - Prof. Kraus

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

We will not meet the first day of class, August 24, 2005, because unfortunately I will be out of town that day. For the second day of class, please read Chapter 1, pp. 1-77, in the textbook. To access the text book you need to do the following:

1. Log in to your TWEN page. You can do this 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 should see a black menu bar near the top of the page. Click on "drop/add a course."
3. Under the "Chicago Kent College of Law" section, check the box next to "Consumer Health Benefits (Full year 2004-2005) – Kraus."
4. Click on the "submit" button at the bottom of the page (in the center – you may need to scroll down).
5. Click on the "Consumer Health Benefits" hyperlink, which will take you to the course TWEN page. Do not be alarmed at the "under construction" logo.
6. Click the "American Health Care Law" button in the far left top corner. This opens up a page with a link to the textbook. Click on the icon under "download."
7. The text book will now be displayed as a PDF file. You can save the file to your own computer, read it on line, or print pages as needed. To save it to your own computer, click on the icon at the far left of the Acrobat tool bar at the top of the page (the icon looks like a floppy disk); a dialog box will pop up that lets you indicate where you want the file to be saved. Either save it to your "Desktop" (so it's quickly accessible) or to another location on your hard drive.

If you have any difficulties accessing the textbook or any questions about the class, contact me by e-mail at ekraus@kentlaw.edu or call my assistant, Sarah Calvin, at 312/906-5055.

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

Welcome to Criminal Procedure: The Investigative Process. I hope you had a fun and productive summer. For our first class session on Monday, August 22, please read the following materials in the photocopied casebook: Introduction: The Bill of Rights and Its Applicability to the States; Introduction to the Fourth Amendment; and *Katz v. United States*.

For our second class, please read the rest of Chapter 1A: *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). Also, be prepared to discuss problems 1A-1 through 1A-4, which I will distribute in class on the first day.

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

The casebook for the course is Kamisar, LaFare, 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 Discrimination (day section) – Prof. Eglit

Skim Title VII in the Appendix.

Employment Discrimination (evening section) - Prof. R. Gonzalez

Please read pp. 1-9 in the casebook and the *State Farm v. Summers* and *Wallace v. Dunn* cases from the photocopied material.

Estates and Trusts (day section) - Prof. Sherman

(1) Read in Dukeminier, Johanson, Lindgren & Sitkoff, *Wills, Trusts, and Estates* (7th ed. 2005): pp. 30-33 and 73-82. (2) Read section 2-1 of the Illinois Probate Act: 755 ILCS 5/2-1.

Estates and Trusts (evening section) - Prof. Decatorsmith

The case book for the course is Dukeminier, Johanson, Lindgren & Sitkoff, *Wills, Trusts, and Estates* (Aspen, 7th ed.2005 – yes, its new). For the first class, please read Chapter 1, pp. 1-30, 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.

Evidence (day section) - Prof. Godfrey

Please read pp. 1-90 of Allen et al., *Evidence: Text, Cases and Problems*. 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.

Federal Transfer Tax (LL.M. course)- Prof. Campbell

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

First Amendment Theory Seminar – Prof. Heyman

For our first class on Tuesday, August 23, please read p.1 of the photocopied Course Materials, which are available in the Bookstore.

Graduate Seminar in International Intellectual Property Law – Prof. Dinwoodie

The class will meet in both the Fall and Spring semesters. During the Fall semester, we will

meet on Tuesdays from 4:00-5:40, in Conference Room 744.

The casebook for the seminar will be Graeme B. Dinwoodie, William O. Hennessey and Shira Perlmutter, *International Intellectual Property Law and Policy* (LexisNexis 2001). A small amount of reading may be assigned from supplementary hand-out materials; I will distribute copies of those materials in advance of the relevant class. We will refer at various parts of the year to a variety of treaties, international agreements, and national or regional legislation. You should therefore purchase Graeme B. Dinwoodie, William O. Hennessey and Shira 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.

You will find both these books useful for preparation of your masters' thesis, and both are also the assigned books for my *International Intellectual Property Law* course in the Fall, and the *International Patent Law* seminar in the Spring.

There is no assigned reading for the first class. Please be prepared to discuss your existing knowledge of intellectual property (if any), and the topics you are considering researching for your masters' thesis. I don't expect that your ideas will necessarily be developed – it is the first class! But I do want to explore what interests you about the subject.

The course web site at <http://www.kentlaw.edu/classes/gdinwood/gradsemiip/> will contain an even more extensive set of materials that will be updated throughout the course of the semester (under the heading "Supplementary Materials"). I hope to have that revised for the upcoming semester by the first class.

Health Care Law - Prof. Lebow

For the first week, please read: (1) Furrow et al., *Health Law* (West, 5th ed. 2004), pp. 1-65; (2) U.S. Health Care Timelines, <http://faculty.smu.edu/tmayo/health%20care%20timeline.pdf> ; (3) Blendon, RF, *Health Care in the 2004 Presidential Election*, *NEJM* 351:13 (2004), <http://content.nejm.org> (search "Blendon" in box at right of page, then select the first article that appears).

Illinois Civil Procedure - Judge Preston

For the first day of class, please read the following in Michael, *Illinois Practice*, Vol. 3: Introduction, Chapter 1, and Chapter 2 (including pocket part); and *Illinois Court Rules and Procedure*, 735 ILCS 5/1-101 through 5/1-109.

Immigration Law and Policy – Prof. Barnes

The casebook for the class is Aleinikoff et al., *Immigration and Citizenship: Process and Policy* (West 5th ed.). Before the first class, please read pp.1-19, 32-53. Consider problem 2 on page 34. Also consider the following questions: (1) What does it mean to be a citizen? and (2) How is citizenship acquired or conferred?

International Business Transactions - Prof. Cho

Welcome to International Business Transaction! I would like to assure you that you have made a

good decision to take this course. Globalization encourages, and even requires, every successful business to be more oriented beyond the border where opportunities abound. Although law may not guarantee every success of your international business (this is not an MBA course!), it certainly can guide your international business and protect it from uncertainty and certain risks. Moreover, law in this field often functions as “business language” without which you can hardly engage in any meaningful international commerce. This course will cover important components and aspects on international business transaction ranging from international sale of goods to international e-commerce. The casebook for the course is Folsom, Gordon & Spanogle, *International Business Transactions: A Problem-Oriented Coursebook* (8th ed. 2005). For the first class, read the Preface and skim the Table of Contents. Start thinking about the following questions: What is international business law? Why do we need it? How different is it from “public international law”? Please e-mail me (scho1@kentlaw.edu) if you have any questions. I look forward to meeting and working with each of you during the semester.

International Intellectual Property – Prof. Dinwoodie

Assigned reading will be from Graeme B. Dinwoodie, William O. Hennessey and Shira Perlmutter, *International Intellectual Property Law and Policy* (LexisNexis 2001). Some reading may also be assigned from photocopied supplementary hand-out materials; these will be available in the bookstore in the week before the first class. I expect to assign an average of approximately 20 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 Graeme B. Dinwoodie, William O. Hennessey and Shira 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. The course web site at <http://www.kentlaw.edu/classes/gdinwood/iip/> will contain an even more extensive set of materials that will be updated throughout the course of the semester (under the heading “Supplementary Materials”).

For the first class (Monday August 22), please read pages 1-28 of the casebook.

For the second class (Tuesday August 23), please read pages 28-60 of the casebook.

For the third class (Wednesday August 24), please read pages 61-66 and 71-79 of the casebook and page 1-5 of the Supplement (“Eldred”).

International Trade - Prof. Cho

Welcome to International Trade Law! Today it is important that we study, and even agonize over, international trade law. This course will address basic laws and institutions on international trade law, mostly, but not exclusively, those of the World Trade Organization (WTO). The teaching materials can be downloaded at <http://www.jeanmonnetprogram.org/wto/index.html>, free of charge. 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 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 the American

people. Please e-mail me (scho1@kentlaw.edu) if you have any questions. I look forward to meeting and working with each of you during the semester.

Land Use - Prof. Tarlock

The casebook is Mandelker et al, *Planning and Control of Land Development*. The first class will focus on the common law background (nuisance) of public land use controls. A syllabus will be distributed at the first class. For the class, *read* pp. 22- 25 and *prepare* pp. 47- 59 and *Rose v. Chalkin*. This short case will be e-mailed to you before the first class.

Law, Policy & International Development Seminar - Prof. Atuahene

For the first day of class, please read the first five chapters of *Development as Freedom* by Amartya Sen. A syllabus will be distributed at the first class meeting.

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 possible topics for your papers and presentations. You should read the first chapter of the casebook, which provides you with some background, and be prepared for a discussion of that, also. The syllabus will be available at no charge in the Bookstore one week before classes begin. If you prefer, you may send me an email message at NancyZH@aol.com, and I will send you a copy by return e-mail.

Legal Writing 3 (All Sections)

The first assignment is to read Haggard, *Legal Drafting in a Nutshell*, pp. 1-32; and Krieger & Neumann, *Essential Lawyering Skills*, pp. 3-38.

Money Laundering – Prof. P. Hablutzel

For the first class on Tuesday, August 23, read the two money laundering statutes, 18 USC Secs. 1956 & 1957 (pp. 169-177 or the statutes paperback). Also look at the beginning of Chapter 1 (pp. 1-10) and of Chapter 12 (pp. 695-703) of the Brickey casebook.

Negotiations - Prof. Davis

Read Chapters 1 and 12 in the the Gifford text.

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 section); and (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 (available at the book store) and online 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 the exclusive rights to an invention? Please also read the following pages in the Adelman casebook: 1-13, 18-26 (skim 20-23), and 40-43.

Personal Income Tax (day section) - 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.

Personal Income Tax (evening section) - Prof. Chapman

Welcome to the study of Personal Income Tax. We will use the following materials in the course:

Burke & Friel, *Taxation of Individual Income* (LexisNexis, 7th ed. 2004);
Lathrope, *Selected Federal Taxation Statutes and Regulations* (West 2006 ed.)

The syllabus and supplementary materials will be available online by Tuesday, August 16, at <http://www.kentlaw.edu/classes/hchapman/TaxFall2005>. The assignments for the first week are in the syllabus.

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

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

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

Course Material: Sutton & Dzienkowski, *Cases and Materials on the Professional Responsibility of Lawyers* (West, 2d ed. 2002); Dzienkowski, *Professional Responsibility Standards, Rules & Statutes* (2005-2006 Abridged Edition).

For the first class, please read the following:

Text:

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

Supplement:

- A. Preamble: ABA Model Rules
- B. Preamble and Preliminary Statement of ABA Code of Professional Responsibility

Science and Law: Research, Ethics and Accountability Seminar - Prof. Andrews

Find an article (in a newspaper, magazine, scientific journal, medical journal, or other source) about a new treatment or technology being tried on humans. List six things that you would want to know before you participated in such research. Bring your list and a copy of the article to the first class to discuss. Also, read page 1-8 of the photocopied course materials, which will be available in the Bookstore. If you would like to receive those first pages by e-mail, write to

landrews@kentlaw.edu with the subject line "course materials."

Securities Regulation – Prof. P. Hablutzel

The case book is Coffee & Seligman, *Securities Regulation: Cases and Materials* (9th ed., 2003). During the first class on Tuesday, 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 (Thursday, August 25), read carefully Section 5 of the 1933 Securities Act and also prepare the material in Chapter 2, pp. 101-102 and 107-123. Note that we will SKIP the LONG problem, pp. 103-107. Section 5 is the key to the entire first third of the course: try not to miss this second class.

Sexual Orientation and the Law - Prof. Samar

Despite important recent changes at the local, state, and national levels, and in some foreign countries and the European Union, to protect gay men, lesbians, bisexuals, and transgendered persons (LGBT) from discrimination and to recognize same-sex relationships, society's attitude toward homosexuality and transgendered issues continues to be ambivalent. This is especially true in respect to marriage and child rearing as we see in the current debates over same-sex marriage, but it is also found in the attitudes of states that fail to protect against public and private employment discrimination, and in the federal government's "Don't Ask/Don't Tell" policy to keep openly gay persons from serving in the military. This seminar/course will explore the possibility of finding a legal, philosophical or political framework for approaching LGBT issues by critically looking at various conceptions of homosexuality and society's purported justifications for affecting this behavior, against its broader concerns for guaranteeing social liberty and human equality. It will then apply this understanding to the interaction between gays and the criminal justice system; discrimination in public employment (including military service) and private employment; first amendment issues posed by gay teachers in public schools and universities; and the legal problems faced in establishing same-sex relationships (especially marriage) and in matters pertaining to child custody and visitation rights.

For the first class, all students are asked to have read pp. 1-14, 19-40, 46-68, 79-81 from the casebook, William B. Rubenstein, *Sexual Orientation and the Law* (West 1997). There will also be a supplement of materials that we will be using later in the course. This course promises to be ever engaging and dramatic in the topics and issues it will discuss. I hope that you will find it to be as interesting as I will no doubt find teaching it.

Trademarks and Unfair Competition – Prof. Dinwoodie

The casebook for the course is Graeme B. Dinwoodie and Mark D. Janis, *Trademarks and Unfair Competition: Law and Policy* (Aspen 2004). In addition, you should purchase Graeme B. Dinwoodie and Mark D. Janis, *Trademarks and Unfair Competition: Law and Policy: 2005 Case and Statutory Supplement*. The publishers expect this to be available by the end of August, and the bookstore will let us know when it arrives. The 2005 Supplement contains several important

(continued next page)

new cases that we will discuss, along with a complete current copy of the trademark statute.

Because I will assign some pages out of the Supplement prior to it being available from the publisher, the publisher has agreed that I can supply you with complimentary photocopies of the first 20 pages of the Supplement. These copies will be available at the first class.

I expect to assign approximately twenty-five pages for each class. However, the number of pages to be read for the first class is somewhat greater than usual. Please read pages 3-43 of the casebook for the first class. It is quite an easy read (of course, I'd say that, but it is), and it is intended to raise themes and issues to which we will return periodically throughout the course. So there will be later reinforcement (and perhaps revisiting) of the material.

For the second class, please read pages 49-68 and pages 7-12 of the 2005 supplement. (This is a more typical length of reading assignment).

The class web site is available at http://www.kentlaw.edu/classes/gdinwood/trademark_fall2005 with a full syllabus, assignments, and other relevant course information posted. I update this website periodically, and will be doing so substantially in mid-August.